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**Annex**  
**to the Sixteenth Bi-annual Report on**  
**Developments in European Union**  
**Procedures and Practices**  
**Relevant to Parliamentary Scrutiny:**  
**Replies**  
**of National Parliaments and**  
**the European Parliament**



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## **Questionnaire: 16th Bi-annual Report of COSAC**

### **CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy**

With the publication of the Commission's proposals on the EU Multiannual Financial Framework for 2014-2020 (MFF) on 29 June 2011 a debate on the next MFF has started.

One of the aims of the 16<sup>th</sup> Bi-annual Report is to assess the present and future role of national Parliaments as regards cooperation with and scrutiny of their governments throughout the process of developing the new EU Multiannual Financial Framework in view of the targets outlined in the Europe 2020 Strategy.

Contrary to the common hopes and expectations the European economic and financial crisis has not been fully overcome. Growing economic disparities between Member States and a lack of appropriate measures to remedy this situation lead to controversial views, such as the need to build a multiple-speed Europe. Attempts to save the euro area by rationalising the EU budgetary spending at the expense of the cohesion policy provoke unnecessary divisions within the European Union. In principle, the successive EU budgets have been adjusted to their respective goals. Therefore, the new financial framework should make it possible to finance all the objectives set in the Europe 2020 Strategy, including the consolidation of the EU's internal market.

Given the serious challenges currently facing the EU, it would be advisable to define the role and powers of national Parliaments and the European Parliament in co-creating and scrutinising key EU policies in the post-Lisbon era. This would require a concerted action by all decision-makers, both at national and EU level. European solidarity, which is one of the corner stones of today's European Union, requires the achievement, without delay, of a broad consensus on the full involvement of national Parliaments and the European Parliament in the EU governance process, especially in order to prevent further global crises.

#### **Questions:**

- 1.1. Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?**
  - 1.1.1. If so, please specify the scope, procedure and timetable.**
  - 1.1.2. If not, does it intend to do so?**
- 1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?**
- 1.3. What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?**
- 1.4. What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and**

**taxes on, for example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?**

**1.5. Does your Parliament/Chamber support the Commission's proposals on the Europe 2020 Project Bond initiative?**

**1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.**

**1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?**

**1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States?**

**1.8. Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources?**

## **CHAPTER 2: Two years after the entry into force of the Treaty of Lisbon - parliamentary experience**

In December 2011 it will have been two years since the entry into force of the Treaty of Lisbon. The aim of the chapter 2 of this report is to evaluate parliamentary best practices and experience in the implementation of the Treaty of Lisbon (including Protocol No. 2 on the application of the principles of subsidiarity and proportionality).

Since the entry into force of the Treaty of Lisbon national Parliaments have been involved in ensuring the compliance with the principle of subsidiarity according to Protocol No. 2 and have adopted their internal subsidiarity check mechanisms.

National Parliaments send to the Commission reasoned opinions on EU draft legislative acts stating why they consider that the draft in question does not comply with the principle of subsidiarity. Reasoned opinions are also notified to the European Parliament and the Council. National Parliaments receive responses from the Commission to their reasoned opinions. This chapter will evaluate the national Parliaments' opinions on the answers sent to them by the Commission and describe how reasoned opinions are dealt with in the European Parliament.

According to Article 5 of Protocol No. 2 draft legislative acts shall contain the justification that the Union objective can be better achieved at the EU level. This chapter will assess to what extent non-fulfilment of this formal criterion hinders national Parliaments' examination of the EU draft legislative act's compliance with the principle of subsidiarity.

Cooperation between national Parliaments and the EU institutions also takes other forms including informal political dialogue between the European Commission and national Parliaments. The experience of national Parliaments in this field will also be evaluated in this chapter of the report.

Article 290 of the TFEU states that legislative acts may delegate to the European Commission the power to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of the legislative act. According to the Treaty of Lisbon the essential elements of an area shall be reserved for the EU draft legislative acts and accordingly shall not be the subject of a delegation of power. However, in the opinion of many national Parliaments essential elements are introduced to the delegated acts of the European Commission which are outside the scope of control of national Parliaments. The chapter will evaluate the Parliaments' current practice and views in that respect.

## **Questions:**

### **2.1. Reasoned opinions**

- 2.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned.**
- 2.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission?**
- 2.1.3. Were those replies sent within the Commission self-imposed time-limit of three months?**
- 2.1.4. Were those replies satisfactory? If not, please indicate why.**
- 2.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber?**
- 2.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases.**
- 2.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving the Commission's reply to a reasoned opinion? If so, please indicate the COM documents.**
- 2.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal?**
- 2.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory**

memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion?

**2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages?**

**2.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications.**

### **Questions to the European Parliament**

**2.1.12. Could you please describe how reasoned opinions issued under Protocol 2 and contributions<sup>1</sup> of national Parliaments issued under the informal political dialogue with the European Commission are dealt with in the European Parliament?**

**2.1.13. Have any reasoned opinions and contributions of national Parliaments been reflected in the legislative documents of the European Parliament? If so, please indicate specific cases.**

### **2.2. Informal political dialogue**

**2.2.1. How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to the European Commission since the entry into force of the Treaty of Lisbon? Please specify the COM documents.**

**2.2.2. How many contributions did your Parliament/Chamber receive replies to from the European Commission?**

**2.2.3. Were those replies satisfactory? If not, please indicate why.**

**2.2.4. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber?**

**2.2.5. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a contribution? If so, please provide the underlying reasons and specify the COM documents.**

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<sup>1</sup> The generic term "contribution" means an opinion, a conclusion, a resolution or any other document issued by a national Parliament in the framework of the informal political dialogue with the European Commission.

**2.3. Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

**2.3.1 Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?**

**2.3.1.1 Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)?**

**2.3.1.2 Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?**

**2.3.2 Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?**

## **Questionnaire: 16<sup>e</sup> Rapport Semestriel de la COSAC**

### **Chapitre 1 : Cadre financier pluriannuel pour la stratégie Europe 2020**

Le débat portant sur le prochain CFP a été lancé avec la publication, le 29 juin 2011, des propositions de la Commission sur le cadre financier pluriannuel de l'UE 2014-2020 (CFP).

L'un des objectifs du 16<sup>ème</sup> rapport semestriel est d'évaluer le rôle actuel et futur des parlements nationaux dans le domaine de la coopération avec leurs gouvernements respectifs et du contrôle de ces gouvernements au cours du processus de développement du nouveau cadre financier pluriannuel de l'UE, compte tenu des objectifs inscrits dans la stratégie Europe 2020.

Contrairement aux espoirs et aux attentes, la crise économique et financière affectant l'Europe n'a pas été complètement surmontée. Les disparités économiques croissantes entre les Etats membres et l'absence de mesures appropriées permettant d'y remédier donnent lieu à des opinions controversées, telles que le besoin de construire une Europe à plusieurs vitesses. Les tentatives de sauver la zone euro en rationalisant les dépenses budgétaires européennes au détriment de la politique de cohésion, entraînent des divisions inutiles au sein de l'Union européenne. En principe, les budgets successifs de l'UE sont ajustés en fonction des objectifs respectifs. Par conséquent, le nouveau cadre financier doit permettre de financer l'ensemble des objectifs fixés dans la stratégie Europe 2020, y compris la consolidation du marché intérieur européen.

Compte tenu des défis sérieux auxquels est confrontée actuellement l'Union européenne, il serait recommandé de définir le rôle et les pouvoirs des parlements nationaux et du Parlement européen dans la création commune et le contrôle des politiques européennes majeures après l'entrée en vigueur du Traité de Lisbonne. A cet égard, il faudra que tous les décideurs entreprennent des actions concertées, tant au niveau national qu'europpéen. La solidarité européenne, qui est l'un des piliers de l'Union européenne d'aujourd'hui, rend nécessaire d'aboutir, et ceci sans délai, à un large consensus sur une pleine implication des parlements nationaux et du Parlement européen au processus de gouvernance de l'UE, notamment pour empêcher une nouvelle crise mondiale.

#### **Questions:**

- 1.1. Est-ce que votre Parlement/Chambre a été activement impliqué/e à l'établissement de la position de votre gouvernement sur le CFP 2014-2020?**
  - 1.1.1. En cas de réponse affirmative, veuillez préciser la portée, la procédure et le calendrier.**
  - 1.1.2. En cas de réponse négative, a-t-il (-elle) l'intention d'y participer?**
- 1.2. Quel est l'avis de votre Parlement/Chambre sur la proposition relative à la réduction de la durée du CFP de 7 à 5 ans?**



- 1.3. **Quel est l'avis de votre Parlement/Chambre sur la proposition relative à la réduction des contributions des États membres au budget de l'UE basées sur le RNB?**
- 1.4. **Quelle est la position de votre Parlement/Chambre sur la proposition de la mise en place d'un nouveau système des ressources propres de l'UE, comprenant le régime relatif à la TVA modernisé et les taxes, notamment sur les émissions de dioxyde de carbone, le transport aérien, les bénéfices des sociétés, les transactions financières ou les produits énergétiques?**
- 1.5. **Est-ce que votre Parlement/Chambre soutient les propositions de la Commission relatives à l'initiative Europe 2020 concernant les emprunts obligatoires pour le financement de projets?**
- 1.6. **Est-ce que votre Parlement/Chambre est d'avis que le CFP 2014-2020 devrait permettre la mise en œuvre complète des objectifs de la stratégie Europe 2020, y compris le financement des initiatives visant à renforcer le marché unique? En cas de réponse négative, veuillez préciser les tâches/objectifs qui devraient être prioritaires et ceux qui pourraient être différer.**
- 1.7. **Selon votre Parlement/Chambre, quelle devrait être la structure des dépenses budgétaires de l'UE dans le CFP 2014-2020?**
  - 1.7.1. **Est-ce qu'un transfert potentiel de fonds de la sous-rubrique 1b (Cohésion pour la croissance et l'emploi) vers la sous-rubrique 1a (Compétitivité) serait avantageux pour la cohésion économique, sociale et territoriale de tous les États membres?**
- 1.8. **Compte tenu de l'insuffisance des ressources budgétaires et de la nécessité de leur efficace utilisation, est-ce que votre Parlement/Chambre serait en faveur de l'adoption d'un principe selon lequel les fonds de l'UE non dépensés, au lieu de revenir aux États membres, seraient utilisés en tant que ressources propres de l'UE au cours des exercices futurs?**

## **Chapitre 2 : Les expériences parlementaires deux ans après l'entrée en vigueur du Traité de Lisbonne**

En décembre 2011 deux ans se seront écoulés depuis que le Traité de Lisbonne est entré en vigueur. Le chapitre 2 du Rapport a pour objet d'évaluer les expériences et les meilleures pratiques des parlements nationaux et du Parlement européen dans la mise en œuvre pratique du Traité de Lisbonne (y compris le Protocole no 2 sur l'application des principes de subsidiarité et de proportionnalité).

Au cours de cette période, les parlements nationaux ont travaillé pour assurer la conformité avec le principe de subsidiarité, conformément au Protocole no 2 relatif à l'application des principes de subsidiarité et de proportionnalité, et ils ont rendu les mécanismes internes de contrôle de subsidiarité plus efficaces.

Les parlements nationaux transmettent à la Commission les opinions raisonnées sur la non-conformité des projets d'actes législatifs avec le principe de subsidiarité. Les opinions raisonnées sont aussi communiquées au Parlement européen. Les parlements nationaux reçoivent des réponses de la Commission européenne aux opinions raisonnées. Ce chapitre passe en revue l'évaluation des opinions des parlements nationaux sur les réponses données par la Commission européenne et décrit comment les opinions raisonnées sont traitées au sein du Parlement européen.

Conformément à l'article 5 du Protocole no 2 les propositions législatives doivent contenir une justification montrant que l'objectif de l'Union peut être mieux atteint au niveau de l'Union européenne. Ce chapitre évalue dans quelle mesure le non respect de ce critère formel empêche les parlements nationaux d'examiner la conformité des projets législatifs au principe de subsidiarité.

La coopération entre les parlements nationaux et les institutions de l'UE prend également d'autres formes, y compris le dialogue politique informel entre la Commission européenne et les parlements nationaux. L'expérience des parlements nationaux dans ce domaine seront également évalués dans ce chapitre du rapport.

L'article 290 du TFUE stipule qu'un acte législatif peut déléguer à la Commission européenne le pouvoir d'adopter des actes non législatifs de portée générale qui complètent ou modifient certains éléments non essentiels de l'acte législatif. Conformément au Traité de Lisbonne, les éléments essentiels d'un domaine doivent être réservés à l'acte législatif, et en conséquence ne peuvent pas faire l'objet d'une délégation des pouvoirs. Cependant, selon l'opinion (de nombreux parlements nationaux), les éléments essentiels sont introduits dans les actes délégués de la Commission européenne qui sont en dehors du contrôle des parlements nationaux. Le chapitre évalue les pratiques actuelles des parlements et des vues à cet égard.

## **Questions:**

### **2.4. Avis motivés**

**2.1.14. Combien d'avis motivés ont été adoptés dans votre Parlement/Chambre depuis l'entrée en vigueur du Traité de Lisbonne? Veuillez identifier les documents COM concernés.**

**2.1.15. Combien d'avis motivés de votre Parlement/Chambre ont reçu des réponses de la part de la Commission européenne?**

**2.1.16. Est-ce que ces réponses ont été envoyées dans le délai de trois mois que la Commission a imposé à elle-même?**

**2.1.17. Est-ce que ces réponses étaient satisfaisantes? En cas de réponse négative, veuillez la motiver.**

- 2.1.18. Pourriez-vous décrire comment les réponses de la Commission européenne ont été traitées par votre Parlement/Chambre?**
- 2.1.19. Selon la connaissance de votre Parlement/Chambre, est-ce que les avis motivés ont été reflétés dans les projets d'actes législatifs de l'UE? En cas de réponse affirmative, veuillez indiquer des cas précis.**
- 2.1.20. Est-ce que votre Parlement/Chambre a continué le dialogue avec la Commission européenne portant sur le projet d'acte législatif après avoir reçu la réponse à l'avis motivé de la part de la Commission? En cas de réponse affirmative, veuillez indiquer les documents COM concernés.**
- 2.1.21. Est-ce que votre Parlement/Chambre considère la période de huit semaines prévue pour le contrôle de la subsidiarité comme suffisante pour examiner la proposition de la Commission, du point de vue de la subsidiarité et des autres aspects de la proposition?**
- 2.1.22. Est-ce que votre Parlement/Chambre a jamais considéré l'absence de la base légale ou l'absence (ou bien l'insuffisance) de la justification de la subsidiarité dans les exposés des motifs comme une violation du principe de subsidiarité en adoptant, en conséquence, un avis motivé?**
- 2.1.23. Quel est l'avis de votre Parlement/Chambre sur la qualité des analyses d'impact relatives aux projets d'actes législatifs de l'UE? Est-ce que les analyses d'impact relatives aux projets d'actes législatifs devraient être traduites intégralement vers toutes les langues officielles de l'UE?**
- 2.1.24. Est-ce que le mécanisme interne de contrôle de la subsidiarité de votre Parlement/Chambre est satisfaisant jusqu'à présent? Est-ce que cette procédure a été modifiée à un stade? En cas de réponse affirmative, veuillez décrire les modifications.**

### **Questions au Parlement européen**

- 2.1.25. Veuillez décrire comment les avis motivés émis dans le cadre du Protocole 2 et les contributions<sup>2</sup> des parlements nationaux émises dans le cadre du dialogue politique informel avec la Commission européenne sont traités au Parlement européen?**
- 2.1.26. Est-ce que les avis motivés et les contributions des parlements nationaux ont été reflétés dans des documents législatifs du Parlement européen? En cas de réponse affirmative, veuillez indiquer des cas précis.**

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<sup>2</sup> Par le terme générique « contribution » on entend un avis, une conclusion, une résolution ou tout autre document émis par un parlement national dans le cadre du dialogue politique informel avec la Commission européenne.

## **2.5. Dialogue politique informel**

- 2.2.6. Combien de contributions dans le cadre du dialogue politique informel avec la Commission européenne ont été envoyées par votre Parlement/Chambre à la Commission européenne depuis l'entrée en vigueur du Traité de Lisbonne? Veuillez indiquer les documents COM.**
- 2.2.7. Combien de réponses de la part de la Commission européenne ont été reçues par votre Parlement/Chambre?**
- 2.2.8. Est-ce que ces réponses étaient satisfaisantes? En cas de réponse négative, veuillez la motiver.**
- 2.2.9. Pourriez-vous décrire comment les réponses de la Commission européenne relatives à vos contributions sont-elles traitées dans votre Parlement/Chambre?**
- 2.2.10. Est-ce qu'il y avait des cas où votre Parlement/Chambre a continué le dialogue politique informel après avoir reçu la réponse de la part de la Commission européenne relative à une contribution? En cas de réponse affirmative, veuillez fournir une justification et indiquer les documents COM.**

## **2.6. Contrôle parlementaire et actes délégués (Article 290 TFUE)**

- 2.3.3 Veuillez décrire les avis de votre Parlement/Chambre relatifs aux propositions prévoyant des actes délégués (Article 290 TFUE)?**
- 2.3.3.1 Est-ce que votre Parlement/Chambre a des préoccupations au sujet des actes délégués (du fait que dans certains cas les éléments essentiels des actes législatifs de l'UE sont soumis à l'application de l'Article 290 TFUE)?**
- 2.3.3.2 Est-ce que les éléments essentiels d'un acte délégué (les objectifs, le contenu, le champ d'application et la durée) sont décrits d'une manière appropriée dans les propositions pertinentes?**
- 2.3.4 Est-ce que votre Parlement/Chambre prévoit une coopération possible avec les institutions de l'UE dans le cadre du suivi des actes délégués?**

## Austria: Nationalrat and Bundesrat

### CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy

#### Questions:

#### **1.1. Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?**

##### **1.1.1. If so, please specify the scope, procedure and timetable.**

##### **Austrian Position**<sup>3</sup>:

*Yes. On May 23<sup>rd</sup> 2011, the Austrian parliament held a public hearing including government representatives, experts and stakeholders - on the future of the Common Agricultural Policy. The results of that hearing have been debated during the plenary session of both the National Council and the Federal Council in June 2011. The Austrian Parliament is going to discuss the proposals presented by the Commission on June 29<sup>th</sup> in detail within the committees responsible for European affairs presumably in September. Those committees may decide on an Austrian position, which is binding for the government. Until final adoption of the new MFF and related acts, the Austrian parliament will regularly assess the progress made in the negotiations.*

##### **1.1.2. If not, does it intend to do so?**

#### **1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?**

##### **Austrian Position**

*The negotiations on a new MFF and especially the own resources decision, which requires ratification in all member states, is a lengthy process which takes several years. Especially with regard to the achievement of the Europe 2020 goals, there are enough challenges the European Union has to meet in the future. Stability and long-term planning are necessary preconditions for success. Therefore, the present duration of seven years should not be shortened.*

##### **Opposition parties**

*(The Green Group, Die Grünen)*

*5 years would better align to political cycles (e.g. of the EP).*

#### **1.3. What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?**

##### **Austrian Position**

*Within the last months, all EU-institutions have highlighted the need for budgetary discipline and reduction of public debt. All member states have cut public expenditure. The new MFF should contribute to these efforts of the member states by applying the same standards to the EU's budget. Priorities in reforming*

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<sup>3</sup> The Austrian position is that one expressed by the coalition parties of government within parliament, Socialdemocrats and People's Party.

*the own resources system should lie elsewhere. The introduction of a financial transaction tax could generate new revenues and at the same time contribute to the prevention of future financial crises.*

***Opposition parties***

***(The Green Group, Die Grünen)***

*The Green Group supports this position and it must go hand-in-hand with the introduction of sufficient EU own resources(see 1.4.).*

**1.4. What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?**

**Austrian Position**

*The Austrian parliament strongly supports the introduction of a financial transaction tax. A broad based financial transaction tax implemented if possible at EU level, elsewise within the Euro area would generate significant fiscal revenues without negative side effects on the real economy, would complement (although not substitute) the necessary re-regulation of financial markets, and reduce the “juste retour” problems observed in the current own resource system. Moreover, it would make an end to unjust privileges of financial actors with regard to taxation and also strengthen citizens’ trust into European institutions. The Austrian parliament has also asked the Austrian government to use all means at its disposal to achieve this goal.*

***Opposition parties***

***(The Green Group, Die Grünen)***

*The Green Group supports these proposals, EU own resources are the logical consequence of European integration and should target recent challenges.*

**1.5. Does your Parliament/Chamber support the Commission’s proposals on the Europe 2020 Project Bond initiative?**

**Austrian Position**

*Project bonds do not constitute an alternative to public investment. The main concerns about the project Bond initiative are the transfer of risk from the private to the public sector and its added value in comparison to existing instruments such as the Loan Guarantee Instrument for TEN-T projects. Moreover, there are doubts on how many projects could be realised through public-private partnerships (PPP) and whether these PPP projects are of measurable benefit for the public sector.*

***Opposition parties***

***(The Green Group, Die Grünen)***

*The Green group supports Project Bonds for Europe-wide projects that are useful for greening Europe (see 1.6.).*

**1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.**

### **Austrian Position**

*Achieving the Europe 2020 headline targets are key challenges to the European Union. These measures are of immediate importance to European citizens and should therefore, be given priority. Thus, the MFF should complement the efforts of the member states in these fields. Resources and funds should be allocated accordingly, promoting effectiveness and added value.*

### **Opposition parties**

*(The Green Group, Die Grünen)*

*Priority should be given to green growth (Green New Deal), ecological transformation of our economy, research and development, increasing employment and poverty reduction.*

## **1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?**

### **1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States?**

#### **Austrian Position**

*Abandoning sub-headings – as the Commission proposes – increases flexibility at the expense of national parliaments' scrutiny. Therefore, Sub-headings should be kept.*

*The structure of the MFF should in general express political priorities in order to increase accountability: All instruments of cohesion policy should e.g. be streamlined within one heading in order to increase effectiveness and coherence. Furthermore, expenditures outside the MFF are detrimental to transparency and accountability. Especially funding of large-scale projects has to be fully within the MFF in order to secure democratic control of those projects.*

#### **Opposition parties**

*(The Green Group, Die Grünen)*

*Competitiveness is a too narrow focus in order to reach economic, social and territorial cohesion.*

## **1.8. Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources?**

#### **Austrian Position**

*Given the large amount of unspent EU funds according to the EU's annual financial reports, such a principle would neither benefit efficiency nor lead to a just distribution of financial burdens. Instead, by introducing a financial transaction tax the EU should contribute to member states' efforts to increase their financial leeway. Moreover, such a principle would be in conflict with the principle of subsidiarity which states that the EU may only take action where the member states cannot do this on their own. If the EU does not take action, this*

*precondition is not given. In such a case, the scarcity of budgetary funds in the member states must take precedence.*

***Opposition parties***

*(The Green Group, Die Grünen)*

*Unspent money should be used for EU priority initiatives (see 1.6.).*

**CHAPTER 2: Two years after the entry into force of the Treaty of Lisbon - parliamentary experience**

**Questions:**

**2.1. Reasoned opinions**

**2.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned.**

*EU-Subcommittee of the National Council: 1*

*COM (2010) 379 final (reasoned opinion dated 14 September 2010)*

*EU-Committee of the Federal Council: 2*

*COM (2010) 82 final (reasoned opinion dated 6 April 2010)*

*COM (2010) 379 final (reasoned opinion dated 5 October 2010)*

**2.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission?**

*Reply to reasoned opinion of the EU-Subcommittee (National Council): 1*

*21 January 2011 concerning COM (2010) 379 final*

*Replies to reasoned opinions of the EU-Committee (Federal Council): 2*

*27 July 2010 concerning COM (2010) 82 final*

*21 January 2011 concerning COM (2010) 379 final*

**2.1.3. Were those replies sent within the Commission self-imposed time-limit of three months?**

*No. The replies to the EU-Committee of the Federal Council were sent within four months.*

**2.1.4. Were those replies satisfactory? If not, please indicate why.**

*At the administrative level the replies were sometimes perceived as being too general but from regular contacts with the EC we know that there is an awareness of this problem and that quite some effort is invested constantly improving them. Especially the stereotyped responses of the EC to the reasoned opinions on seasonal workers (COM 2010 379) was perceived as a lack of interest in the*



*specific concerns voiced by each Parliament or Chamber that had submitted a reasoned opinion.*

**2.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber?**

*On the one hand they are archived in a database and on the other hand they are sent out to all the Members of the EU-Committee concerned, to the staff of the political groups dealing with EU matters and to the administrative staff in the EU department.*

**2.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases.**

*At this point there is no monitoring regarding the reflection of concerns voiced in reasoned opinions. However, the EU-Committees can ask the competent Minister to report back to it on the final negotiations of a specific draft legislative act.*

**2.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving the Commission's reply to a reasoned opinion? If so, please indicate the COM documents.**

*Not so far.*

**2.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal?**

*From the political and administrative perspective and based on the reasoned opinions that were decided so far the eight-week period is short but it can be done.*

**2.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion?**

*Both aspects were criticized in the reasoned opinion on seasonal workers (COM 2010 379).*

**2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages?**

*As summaries of impact assessments are already translated the added value for further translation would be limited.*

**2.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications.**

*Besides some minor modifications at the administrative level, some changes were made to the constitutional law and to the Rules of Procedure of the Federal Council. There will be changes to the Rules of Procedure of the National Council*

*and a new "EU Information Law" will probably be voted this fall. One important change regarding the 8-weeks period was that the EU-Subcommittee of the National Council now meets more regularly, i.e. once every month.*

## **2.2. Informal political dialogue**

### **2.2.11. How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to the European Commission since the entry into force of the Treaty of Lisbon? Please specify the COM documents.**

*Main Committee of the National Council: 1*

*27 October 2010 concerning the introduction of a Financial Transaction Tax*

*EU-Subcommittee of the National Council: 16*

*COM (2009) 622 final (committee statement dated 29 January 2010)*

*COM (2010) 104/2 and 105/2 final (committee statement dated 9 June 2010)*

*COM (2010) 95 final (committee statement dated 9 June 2010)*

*COM (2010) 94 final (committee statement dated 9 June 2010)*

*COM (2010) 482 and 484 final (communication dated 12 October 2010)*

*COM (2010) 368 final (communication dated 12 October 2010)*

*RAT 9288/10 (communication dated 12 October 2010)*

*COM (2010) 471 and 472 final (communication dated 9 November 2010)*

*COM (2010) 474 and 475 final (communication dated 9 November 2010)*

*COM (2010) 375 final (communication dated 14 December 2010)*

*COM (2010) 608 final (communication dated 15 March 2011)*

*COM (2010) 639/2 final (communication dated 15 March 2011)*

*COM (2011) 32 final (communication dated 5 April 2011)*

*Without COM number (communication dated 10 May 2011)*

*COM (2011) 126 final (communication dated 4 July 2011)*

*COM (2011) 142 final (communication dated 4 July 2011)*

*EU-Committee of the Federal Council: 14*

*COM (2009) 154 final (committee statement dated 1 December 2009)*

*COM (2010) 12 final (committee statement dated 9 March 2010)*

*COM (2010) 61 final (committee statement dated 6 April 2010)*

*COM (2010) 104/2 and 105/2 final (committee statement dated 4 May 2010)*

*COM (2010) 95 final (committee statement dated 4 May 2010)*

*COM (2010) 94 final (committee statement dated 4 May 2010)*

*COM (2010) 76 final (committee statement 30 June 2010)*

*COM (2010) 368 final (communication dated 4 November 2010)*

*RAT 9288/10 (communication dated 4 November 2010)*

*COM (2010) 212, 474, 475 final (communication dated 16 December 2010)*

*COM (2010) 472 and 471 final (communication dated 16 December 2010)*

*COM (2010) 375 final (communication dated 16 December 2010)*

*COM (2010) 352 final (communication dated 16 December 2010)*

*COM (2010) 666 final (communication dated 16 March 2011)*

### **2.2.12. How many contributions did your Parliament/Chamber receive replies to from the European Commission?**

*Reply to the opinion of the Main Committee of the National Council: 1*  
*2 February 2011 concerning the introduction of a Financial Transaction Tax*

*Reply to opinions of the EU-Subcommittee of the National Council: 6*

*2 September 2010 concerning COM (2010) 95 final*  
*13 September 2010 concerning COM (2010) 94 final*  
*19 November 2010 concerning COM (2010) 104/2 and 105/2 final*  
*23 February 2011 concerning COM (2010) 375 final*  
*21 March 2011 concerning COM (2010) 368 final*  
*30 March 2011 concerning COM (2010) 482 and 484 final*

*Reply to opinions of the EU-Committee of the Federal Council: 10*

*19 April 2010 concerning COM (2009) 154 final*  
*5 May 2010 concerning COM (2010) 12 final*  
*25 August 2010 concerning COM (2010) 94 final*  
*30 August 2010 concerning COM (2010) 95 final*  
*10 September 2010 concerning COM (2010) 104/2 and 105/2 final*  
*5 November 2010 concerning COM (2010) 76 final*  
*3 February 2011 concerning COM (2010) 368 final*  
*22 February 2011 concerning COM (2010) 375 final*  
*16 May 2011 concerning COM (2010) 352 final*  
*28 July 2011 concerning COM (2010) 666 final*

**2.2.13. Were those replies satisfactory? If not, please indicate why.**

*At the administrative level the replies were sometimes perceived as being too general but from regular contacts with the EC we know that there is an awareness of this problem and that quite some effort is invested in constantly improving them.*

**2.2.14. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber?**

*On the one hand they are archived in a database and on the other hand they are sent out to all the Members of the EU-Committee concerned, to the staff of the political groups dealing with EU matters and to the administrative staff in the EU department.*

**2.2.15. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a contribution? If so, please provide the underlying reasons and specify the COM documents.**

*Not so far.*

**2.3. Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

**Austrian Position on 2.3**

*Provisions enabling the adoption of delegated acts should be used carefully as they might endanger the institutional balance struck by the Treaties and undermine democratic legitimacy of decisions taken at the European level. Such provisions should be limited to technical aspects and/or emergency situations. They should ex-ante clearly define the scope of future delegated acts and limit the*

*transfer of law-making power to the absolutely necessary, as only then Regulation No 182/2011 provides for a satisfying control by the member states. Unfortunately, not all proposals in recent months have met those criteria. Increased control of delegated acts by national parliaments would not remedy these shortcomings. It is up to the Council and the European Parliament - and finally the ECJ - to secure uniform application of the mentioned criteria.*

**2.3.5 Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?**

***Opposition parties***

*(The Green Group, Die Grünen)*

*In principle the Green Group regards the Control by the Member States of the Commission's exercise of implementing powers as an improvement. Especially the enforced position of the European Parliament is an important step towards a more democratic and transparent process.*

**2.3.5.1 Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)?**

***Opposition parties***

*(The Green Group, Die Grünen)*

*It is important that the application of the Article 290 TFEU is scrutinized accurately by the Member States as well as by the European Parliament. Nonetheless the Green Group supposes that the political discussion will be focused on the question whether legislative acts are subject to the application of Article 290 or of Article 291 TFEU.*

**2.3.5.2 Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?**

***Opposition parties***

*(The Green Group, Die Grünen)*

*It is not possible to answer this question reliably as there have not been enough cases to examine.*

**2.3.6 Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?**

***Opposition parties***

*(The Green Group, Die Grünen)*

*Indeed there is room for cooperation with the EU-institutions, especially with the EP and with the European Commission. Regarding the EP, Joint Parliamentary Meetings could be good possibilities to discuss special problems that occurred as well as the process on the whole. Beyond that there should also be room for discussion at COSAC meetings in order to exchange experiences and principal considerations.*

## **Belgium: Chambre des représentants et Sénat**

### ***Chapitre 1 : Cadre financier pluriannuel pour la stratégie Europe 2020***

1.1. Est-ce que votre Parlement/Chambre a été activement impliqué/e dans l'établissement de la position de votre gouvernement sur le CFP 2014-2020?

**Les 29 mars et 27 avril 2011, les commissions des Finances de la Chambre des représentants et du Sénat ont organisé des auditions communes au sujet du Cadre financier pluriannuel. A défaut d'une position commune, un rapport – reprenant la position des différents partis - a été adopté à l'issue de ces réunions (DOC 53 1415/5-0973). Étant donné que, dans les deux cas, il s'agissait d'une initiative parlementaire, le gouvernement fédéral n'a pas été impliqué.**

**Par ailleurs, lors des réunions du Comité d'avis fédéral chargé des questions européennes, des discussions ont eu lieu avec le Premier ministre concernant le Cadre financier pluriannuel. Le 26 juillet 2011, lors de la dernière réunion de ce Comité consacrée aux résultats du Sommet de la zone euro du 21 juillet 2011, le Premier ministre a fait part de son intention de s'entretenir des questions relatives au cadre financier pluriannuel à la rentrée parlementaire. Le rapport de cette réunion sera publié sous peu (doc. Ch. 53 1709/001).**

1.1.1. En cas de réponse affirmative, veuillez préciser la portée, la procédure et le calendrier

**Pas d'application (voir 1.1.)**

1.1.2. En cas de réponse négative, a-t-il (-elle) l'intention d'y participer?

**Pas d'application (voir 1.1.)**

1.2. Quel est l'avis de votre Parlement/Chambre sur la proposition relative à la réduction de la durée du CFP de 7 à 5 ans?

**Pas d'application (voir 1.1.)**

1.3. Quel est l'avis de votre Parlement/Chambre sur la proposition relative à la réduction des contributions des États membres au budget de l'UE basées sur le RNB?

**Pas d'application (voir 1.1.)**

1.4. Quelle est la position de votre Parlement/Chambre sur la proposition de la mise en place d'un nouveau système des ressources propres de l'UE, comprenant le régime relatif à la TVA modernisé et les taxes, notamment sur les émissions de dioxyde de carbone, le transport aérien, les bénéfices des sociétés, les transactions financières ou les produits énergétiques?

**Pas d'application (voir 1.1.)**

1.5. Est-ce que votre Parlement/Chambre soutient les propositions de la Commission relatives à l'initiative Europe 2020 concernant les emprunts obligatoires pour le financement de projets?

**Pas d'application (voir 1.1.)**

1.6. Est-ce que votre Parlement/Chambre est d'avis que le CFP 2014-2020 devrait permettre la mise en œuvre complète des objectifs de la stratégie Europe 2020, y compris le financement des initiatives visant à renforcer le marché unique? En cas de réponse négative, veuillez préciser les tâches/objectifs qui devraient être prioritaires et ceux qui pourraient être différer.

**Pas d'application (voir 1.1.)**

1.7. Selon votre Parlement/Chambre, quelle devrait être la structure des dépenses budgétaires de l'UE dans le CFP 2014-2020?

**Pas d'application (voir 1.1.)**

1.7.1. Est-ce qu'un transfert potentiel de fonds de la sous-rubrique 1b (Cohésion pour la croissance et l'emploi) vers la sous-rubrique 1a (Compétitivité) serait avantageux pour la cohésion économique, sociale et territoriale de tous les États membres?

**Pas d'application (voir 1.1.)**

1.8. Compte tenu de l'insuffisance des ressources budgétaires et de la nécessité de leur efficace utilisation, est-ce que votre Parlement/Chambre serait en faveur de l'adoption d'un principe selon lequel les fonds de l'UE non dépensés, au lieu de revenir aux États membres, seraient utilisés en tant que ressources propres de l'UE au cours des exercices futurs?

**Pas d'application (voir 1.1.)**

*Chapitre 2 : Les expériences parlementaires deux ans après l'entrée en vigueur du Traité de Lisbonne*

2.1. Avis motivés

2.1.1. Combien d'avis motivés ont été adoptés dans votre Parlement/Chambre depuis l'entrée en vigueur du Traité de Lisbonne? Veuillez identifier les documents COM concernés.

**Depuis l'entrée en vigueur du Traité de Lisbonne, ni la Chambre des représentants, ni le Sénat, n'ont adopté un avis motivé.**

2.1.2. Combien d'avis motivés de votre Parlement/Chambre ont reçu des réponses de la part de la Commission européenne?

**Pas d'application (voir 2.1.1)**

2.1.3. Est-ce que ces réponses ont été envoyées dans le délai de trois mois que la Commission a imposé à elle-même?

**Pas d'application (voir 2.1.1)**

2.1.4. Est-ce que ces réponses étaient satisfaisantes? En cas de réponse négative, veuillez la motiver.

**Pas d'application (voir 2.1.1)**

2.1.5. Pourriez-vous décrire comment les réponses de la Commission européenne ont été traitées par votre Parlement/Chambre?

**Pas d'application (voir 2.1.1)**

2.1.6. Selon la connaissance de votre Parlement/Chambre, est-ce que les avis motivés ont été reflétés dans les projets d'actes législatifs de l'UE? En cas de réponse affirmative, veuillez indiquer des cas précis.

**Pas d'application (voir 2.1.1)**

2.1.7. Est-ce que votre Parlement/Chambre a continué le dialogue avec la Commission européenne portant sur le projet d'acte législatif après avoir reçu la réponse à l'avis motivé de la part de la Commission? En cas de réponse affirmative, veuillez indiquer les documents COM concernés.

**Pas d'application (voir 2.1.1)**

2.1.8. Est-ce que votre Parlement/Chambre considère la période de huit semaines prévue pour le contrôle de la subsidiarité comme suffisante pour examiner la proposition de la Commission, du point de vue de la subsidiarité et des autres aspects de la proposition?

**Le délai est suffisant en temps « normal ». Toutefois, en période de vacances parlementaires ou d'activité politique importante (p.ex. examen et vote du budget), il apparaît trop court.**

2.1.9. Est-ce que votre Parlement/Chambre a jamais considéré l'absence de la base légale ou l'absence (ou bien l'insuffisance) de la justification de la subsidiarité dans les exposés des motifs comme une violation du principe de subsidiarité en adoptant, en conséquence, un avis motivé?

**Non**

2.1.10. Quel est l'avis de votre Parlement/Chambre sur la qualité des analyses d'impact relatives aux projets d'actes législatifs de l'UE ? Est-ce que les analyses d'impact relatives aux projets d'actes législatifs devraient être traduites intégralement vers toutes les langues officielles de l'UE?

**À la Chambre des représentants, ces analyses servent de base pour la rédaction des fiches d'information élaborées par la Cellule d'analyse européenne. Dans ce cadre, la qualité de ces analyses d'impact est particulièrement appréciée.**

**Au Sénat, les analyses d'impact sont envoyées ensemble avec les projets d'actes législatifs aux membres de la commission compétente et servent de source d'information importante. Une traduction vers toutes les langues officielles de l'UE serait profitable à tous.. En effet, de cette manière, les membres qui ne sont ni anglophones ni francophones pourraient être**

**informés de la façon dont la Commission européenne produit ses conclusions, ses propositions et ses projets de textes législatifs.**

2.1.11. Est-ce que le mécanisme interne de contrôle de la subsidiarité de votre Parlement/Chambre est satisfaisant jusqu'à présent ? Est-ce que cette procédure a été modifiée à un stade? En cas de réponse affirmative, veuillez décrire les modifications.

**À la Chambre des représentants, la procédure de contrôle de la subsidiarité n'a pas été modifiée récemment. Toutefois, son champ d'application a été élargi dans le sens où, dorénavant, non seulement les membres des commissions spécialisées mais également les secrétaires des groupes politiques reçoivent les fiches d'information. En effet, ces derniers sont responsables du suivi interne des fiches d'information au sein de leur groupe politique en fonction des intérêts personnels de leurs membres.**

**Au Sénat, la procédure introduite à la suite de l'adoption du traité constitutionnel est toujours en vigueur avec quelques modifications techniques suivant l'entrée en vigueur du Traité de Lisbonne (p.e. période de 6 à 8 semaines). L'intégration de cette procédure dans le Règlement du Sénat est prévue en automne 2011. .**

## 2.2. Dialogue politique informel

2.2.1. Combien de contributions dans le cadre du dialogue politique informel avec la Commission européenne ont été envoyées par votre Parlement/Chambre à la Commission européenne depuis l'entrée en vigueur du Traité de Lisbonne? Veuillez indiquer les documents COM.

**Depuis l'entrée en vigueur du Traité de Lisbonne, la Chambre des représentants a envoyé deux contributions dans le cadre du dialogue politique informel avec la Commission européenne, à savoir celles relatives aux documents COM(2010)0776 et COM(2011)0121 (resp. DOC 53 1507/001 et 53 1339/001).**

**Au Sénat, les documents suivants ont été traités dans le cadre du dialogue politique informel:**

- COM (2009)0624 : discussion en commission – pas de contribution
- COM (2010)0629 : contribution envoyée en janvier 2011
- COM (2011)0146 : discussion en commission – pas de contribution
- COM (2011)0248 : discussion en commission – pas de contribution

2.2.2. Combien de réponses de la part de la Commission européenne ont été reçues par votre Parlement/Chambre?

**Jusqu'à présent, ni la Chambre des représentants, ni le Sénat, n'ont reçu de réponse de la part de la Commission européenne.**

2.2.3. Est-ce que ces réponses étaient satisfaisantes? En cas de réponse négative, veuillez la motiver.

**Pas d'application (voir 2.2.2)**



2.2.4. Pourriez-vous décrire comment les réponses de la Commission européenne relatives à vos contributions sont-elles traitées dans votre Parlement/Chambre?

**Le cas échéant, à la Chambre des représentants, celles-ci seraient mises à la disposition des membres ayant reçu la fiche d'information relative à la contribution ayant fait l'objet d'une réponse de la Commission.**

**Le cas échéant, au Sénat, celles-ci seraient envoyées aux membres de la commission qui a traité le dossier.**

2.2.5. Est-ce qu'il y avait des cas où votre Parlement/Chambre a continué le dialogue politique informel après avoir reçu la réponse de la part de la Commission européenne relative à une contribution? En cas de réponse affirmative, veuillez fournir une justification et indiquer les documents COM.

**Non**

2.3. Contrôle parlementaire et actes délégués (Article 290 TFUE)

2.3.1 Veuillez décrire les avis de votre Parlement/Chambre relatifs aux propositions prévoyant des actes délégués (Article 290 TFUE)?

**Jusqu'à présent, ni la Chambre des représentants ni le Sénat ne se sont exprimés au sujet des actes délégués autrement que par l'adoption de la loi du 19 juin 2008 portant assentiment au Traité de Lisbonne.**

2.3.1.1 Est-ce que votre Parlement/Chambre a des préoccupations au sujet des actes délégués (du fait que dans certains cas les éléments essentiels des actes législatifs de l'UE sont soumis à l'application de l'Article 290 TFUE)?

**Pas d'application (voir 2.3.1)**

2.3.1.2 Est-ce que les éléments essentiels d'un acte délégué (les objectifs, le contenu, le champ d'application et la durée) sont décrits d'une manière appropriée dans les propositions pertinentes?

**Pas d'application (voir 2.3.1)**

2.3.2 Est-ce que votre Parlement/Chambre prévoit une coopération possible avec les institutions de l'UE dans le cadre du suivi des actes délégués?

**Pas d'application (voir 2.3.1)**

## **Bulgaria: Narodno sabranie**

### **CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy**

#### **Questions:**

**1.1. Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?**

**1.1.1. If so, please specify the scope, procedure and timetable.**

**1.1.2. If not, does it intend to do so?**

The Commission Proposals on the EU MFF 2014-2020 have been included in the **Annual Work Program of the National Assembly on the EU Affairs 2011** within the **Modern EU Budget** priority. In this regard, the EC MFF proposals are subject to **subsidiarity and proportionality check** under **Chapter 10** of the Rules of organization and procedure of the National Assembly of the Republic of Bulgaria – “Parliamentary monitoring and control on European Union Affairs”. According to the above-mentioned procedure, the Committee on European Affairs and Oversight of the European Funds (CEAOEF) elaborates a **Report**, which reflects the Bulgarian Parliament’s position on draft EU act and incorporates:

- the relevant standing committees’ statements (such as the Budget and Finance Committee, etc.);
- opinion on the Government’s position;
- compliance with the principles of subsidiarity and proportionality;
- comments and recommendations on the draft EU act essence.

CEAOEF will thoroughly examine and discuss the MFF EC proposals at the end of September 2011, within the 8-week subsidiarity check period. Subsequently, its Report on MFF will be sent to the European Institutions in a timely manner.

**1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?**

CEAOEF considers that such an idea should be carefully approached, taking into account the fact that the coincidence between the general and local elections period (every 4 years) and the proposed 5-year MFF period. Such a scenario would jeopardise the sustainability of the EU planning process in the long run. Moreover, a 7-year MFF rather than a 5-year one shall facilitate the accomplishment of the 7-year “Europe 2020” Strategy goals. Also, we believe that a 7-year duration of the MFF ensures the long-term consistency and predictability, and would be the right balance between need for flexibility and predictability.

**1.3. What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?**

In order to guarantee that the European Union achieves a high level of convergence between the new and old Member States, the long-term trend should be aimed at the reduction of the Disposable Personal Income (DPI) gap between them.

Having in mind the above-said, any reduction of the GNI-based contribution to the EU budget would lead to a higher “Europe on two speeds” risk. Thus, keeping GNI as one of the main sources of the Own Resources System for financing the EU budget would serve as a guarantee that the actual economic development of each Member State is being taken into account. Moreover, we believe that this would provide for further simplification and higher transparency of the System of Own Resources.

**1.4. What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?**

We would like to underline, as a point of a more general nature, that we support the idea for simplifying the current Own Resources System because we consider it too complex at present. In its Communication of 29 June 2011 the Commission proposed to abolish the current VAT based resource and to introduce 2 new resources: Financial Transition Tax (FTT) and VAT resource which would partially finance the EU budget and reduce the scale of the GNI-based resource

The CEAOEF concerns on this proposal come as logical continuation to our position stated in point 1.3. The “catching-up” process between new and old Member States should be taken into consideration, so that the new Member States’ transition to energy-efficient economy to be smooth. The transition process towards a low-carbon economy will require significant growth in the field of renewable energy, energy efficiency, energy saving and energy management. The measures respectively will be taken in accordance with Europe 2020 and national indicators for effective use of natural resources and environmental protection. So the balance between competitiveness, security of energy supply and sustainable economic growth is important.

The CEAOEF would like to emphasize that it supports the transition to low-carbon economy within the EU. However, the regulations and the tax unification at EU level must take into account the catching-up process. The EU business and civil society should not carry an additional tax burden, but rather be stimulated to become more environmentally friendly and energy efficient.

Also, at this stage we do not support creating new EU taxes as they would additionally burden the economies and citizens of the Member States. Moreover, introducing a new tax on the financial transactions in the EU without an agreement for introducing such tax on global level would endanger the competitiveness of the financial institutions within the EU.

**1.5. Does your Parliament/Chamber support the Commission’s proposals on the Europe 2020 Project Bond initiative?**

The CEAOEF supports the idea in principle. The Project Bonds might prove to be a useful tool of realization of multi-regional EU projects within strategies, such as the Danube Strategy, the Black Sea Strategy, etc. In this way, the Cohesion Policy would be supported by another type of financial instrument - both flexible and liquid.

**1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of**

**initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.**

We agree that the Europe 2020 should be the cornerstone for the next MFF where greater focus has to be put on the key priorities for smart, green, and inclusive growth.

On the other hand, however, we think that the concentration of the EU Budget funds should not be based only on the Europe 2020 Strategy priorities, but should also reflect the specific priorities of the Member States outside the Europe 2020 Strategy like basic infrastructure, which are crucial for the social and economic development and cohesion for the poorest Member States within the Convergence Objective.

The national priorities and measures for achieving common Europe 2020 goals and reflecting the national situation are included in the National Reform Programme of Bulgaria

**1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?**

The proposed by the Commission structure reflects the current MFF structure and the Europe 2020 titles. We think that this is a suitable structure which gives more visibility of the Europe 2020 and in the same time it is easy to be understood by the stakeholders. We are for ring-fencing the expenditure for the Cohesion Policy which will assure predictability for the Member state' multiannual programmes and for keeping the sub-ceiling for the first pillar of the CAP.

**1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States?**

Taking into consideration the positions expressed in points 1.3 and 1.4, CEAOEF is of the opinion that the growth and employment expenditures should be preserved at the current levels (if not raised).

**1.8. Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources?**

Having in mind the budgetary principle of equilibrium and the fact that all EU own resources are strictly defined in the Own Resources Decision we think that the unspent EU fund could not be considered as own resources. Also if this principle is applied in the future, the unspent funds could lead to unjustified increase of the total amount of the budget. We are of opinion that the aim should be not to spend more, but the EU funds to be spent in a more efficient way.

**CHAPTER 2: Two years after the entry into force of the Treaty of Lisbon - parliamentary experience**

**Questions:**

**2.1. Reasoned opinions**

**2.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned.**

From 2010 The Bulgarian National Assembly adopted two reasoned opinions on the following COM documents:

***Document COM(2011)0121***

Proposal for a Council Directive on a Common Consolidated Corporate Tax Base (CCCTB)

***Document COM(2011)0169***

Proposal for a Council Directive amending Directive 2003/96/EC restructuring the Community framework for the taxation of energy products and electricity

**2.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission?**

The EC regularly notifies the CEAOEF on the reception of the Bulgarian Parliament's positions. So far we haven't received a reply from the European Commission.

**2.1.3. Were those replies sent within the Commission self-imposed time-limit of three months?**

N/A

**2.1.4. Were those replies satisfactory? If not, please indicate why.**

N/A

**2.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber?**

N/A

**2.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases.**

N/A

**2.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving the Commission's reply to a reasoned opinion? If so, please indicate the COM documents.**

N/A

**2.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine**

**the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal?**

The National Assembly considers that the eight-week period for subsidiarity check is achievable, but not sufficient as a whole.

**2.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion?**

The insufficient subsidiarity justification is not considered as a breach of the subsidiarity principle, but it is regularly noted in the CEAOEF Reports on the draft EU act in question. We believe that the more substantive subsidiarity justification could lead to a better evaluation of the legislative proposals.

**2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages?**

The quality of impact assessments is considered to be good. In addition, we welcome the idea of a translation into all official languages of the draft legislative act's full impact assessment. This may lead to a better understanding of the essence of the proposal from all stakeholders participating in the process. Furthermore, provided that the 8-week subsidiarity check period starts from the reception of the full impact assessment translation into all official languages, it would additionally contribute the national parliaments to the proper accomplishment of the subsidiarity check procedures.

**2.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications.**

The internal subsidiarity control mechanism is considered to be satisfactory. It is regulated in **Chapter 10** of the Rules of Organization and Procedure of the National Assembly of the Republic of Bulgaria, which was amended after the entry into force of the Lisbon Treaty in order to reflect the new subsidiarity control mechanism.

According to the current procedure, the subsidiarity check is exercised on EU draft legislative acts, that are included in the Annual Work Programme (AWP) of the National Assembly (NA) on European Union Issues. A **new approach** has been introduced in the 2011 AWP preparation – **collaboration and broad discussion with all stakeholders** – the European Commission, the European Parliament, the Trio Presidency of the Council of the EU, the National Parliament and the Council of Ministers. As a result the AWP of the NA is transformed into a **strategic document**, elaborated **in accordance with the EC Working Program** for 2011. This approach ensures the **necessary focus on key issues of the European Agenda** in the work of the National Assembly.

If any possible future amendments to the current scrutiny procedure are to be adopted, they would be focused on the improvement of the mechanisms for cooperation and exchange of

information between the national government and the parliament, incl. timeframes in order to observe the 8-week subsidiarity check deadline.

## **2.2. Informal political dialogue**

### **2.2.1. How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to the European Commission since the entry into force of the Treaty of Lisbon? Please specify the COM documents.**

The Bulgarian Parliament actively participates in the political dialogue with the European Commission. Since the entry into force of the Lisbon Treaty, the National Assembly has sent **5 contributions (Statements) on 11 EC draft legislative acts**, included in the Annual Work Program of the National Assembly on EU Affairs (2011), namely:

***Document COM(2010) 522/2***

Council Regulation (EU) No .../... amending Regulation (EC) No 1467/97 on speeding up and clarifying the implementation of the excessive deficit procedure

***Document COM(2010) 523***

Proposal for a Council Directive on requirements for budgetary frameworks of the Member States

***Document COM(2010) 524***

Proposal for a Regulation of the European Parliament and of the Council on the effective enforcement of budgetary surveillance in the euro area

***Document COM(2010) 525/2***

Proposal for a regulation of the European Parliament and of the Council on enforcement measures to correct excessive macroeconomic imbalances in the euro area

***Document COM(2010) 526***

Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1466/97 on the strengthening of the surveillance of budgetary positions and the surveillance and coordination of economic policies

***Document COM(2010) 527/2***

Proposal for a Regulation of the European Parliament and of the Council on the prevention and correction of macroeconomic imbalances

***Document COM(2011) 32***

Proposal for a Directive of the European Parliament and of the Council on the use of Passenger Name Record data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime

***Document COM(2011) 118***

Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) and the Convention implementing the Schengen Agreement

***Document COM(2011)126***

Proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes

***Document COM(2011)127***

Proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions regarding the property consequences of registered partnerships

***Document COM(2011)142***

Proposal for a Directive of the European Parliament and of the Council on credit agreements relating to residential property

Some of the CEAOEF contributions **cover more than one EU draft legislative act**. Such is the case with the Bulgarian Parliament Statement on the new economic governance of the EU. It covers the **EC legislative package on strengthening the economic governance of the EU and the Single Market Act**.

The Statements, expressed by the Bulgarian Parliament via CEAOEF, can be found at: <http://parliament.bg/en/grp2011>.

**2.2.2. How many contributions did your Parliament/Chamber receive replies to from the European Commission?**

We haven't received any reply from the European Commission.

**2.2.3. Were those replies satisfactory? If not, please indicate why.**

N/A

**2.2.4. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber?**

N/A

**2.2.5. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a contribution? If so, please provide the underlying reasons and specify the COM documents.**

N/A

**2.3. Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

**2.3.1. Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?**

**2.3.1.1. Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)?**



On several occasions, whenever the issue has been raised, for example regarding the document COM (2011) 118 (Proposal for a Regulation amending the Schengen Borders Code), eventually all concerns have been cleared up.

**2.3.1.2. Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?**

In our opinion, the essential features of the delegated act have been properly described so far.

**2.3.2. Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?**

We believe that it would be a good idea to establish such cooperation in the process of the monitoring of delegated acts.

## **Cyprus: Vouli ton Antiprosopon**

### **CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy**

#### **Questions:**

- 1.1. Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?**

The Parliamentary Committee on Foreign and European Affairs did not have the possibility to examine the MFF 2014-2020 due to the fact that the House of Representatives of the Republic of Cyprus is in summer recess from the 15<sup>th</sup> July 2011.

- 1.1.1. If so, please specify the scope, procedure and timetable.**
- 1.1.2. If not, does it intend to do so?**
- 1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?**
- 1.3. What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?**
- 1.4. What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?**
- 1.5. Does your Parliament/Chamber support the Commission's proposals on the Europe 2020 Project Bond initiative?**
- 1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.**
- 1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?**
- 1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States?**
- 1.8. Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources?**

## **CHAPTER 2: Two years after the entry into force of the Treaty of Lisbon - parliamentary experience**

### **Questions:**

#### **2.1. Reasoned opinions**

**2.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned.**

We have not so far adopted any reasoned opinions.

**2.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission?**

N/A

**2.1.3. Were those replies sent within the Commission self-imposed time-limit of three months?**

N/A

**2.1.4. Were those replies satisfactory? If not, please indicate why.**

N/A

**2.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber?**

N/A

**2.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases.**

N/A

**2.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving the Commission's reply to a reasoned opinion? If so, please indicate the COM documents.**

N/A

**2.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal?**

Yes.

**2.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion?**

No.

**2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages?**

Impact assessments are necessary during the examination of a draft legislative act. We are of the opinion that impact assessments should be translated into all EU official languages.

**2.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications.**

To date, the Parliamentary Committee on European Affairs (Since June 2011 *Parliamentary Committee on Foreign and European Affairs*) is the primary Committee involved in the scrutiny process of EU documents. There is no separate procedure with regard to the subsidiarity checks. The issue of involving the sectoral Parliamentary Committees in future proceedings is still under consideration.

**2.2. Informal political dialogue**

**2.2.1. How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to the European Commission since the entry into force of the Treaty of Lisbon? Please specify the COM documents.**

- a. Proposal for a Regulation of the European Parliament and of the Council on the citizens' initiative COM (2010) 119.
- b. The Parliamentary Committee on Foreign and European Affairs has already examined the Proposal for a Council Directive on a Common Consolidated Corporate Tax Base (CCCTB) [COM (2011) 121] and intends to send its contribution to the European Commission after summer recess.

**2.2.2. How many contributions did your Parliament/Chamber receive replies to from the European Commission?**

One.

**2.2.3. Were those replies satisfactory? If not, please indicate why.**

Yes.

**2.2.4. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber?**

The replies are sent to the Parliamentary Committee on Foreign and European Affairs.

**2.2.5. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a contribution? If so, please provide the underlying reasons and specify the COM documents.**

No.

**2.3. Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

**2.3.1 Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?**

This issue is still under consideration.

**2.3.1.1 Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)?**

This issue is still under consideration.

**2.3.1.2 Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?**

This issue is still under consideration.

**2.3.2 Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?**

This issue is still under consideration.

**CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy**

**Questions:**

**1.1. Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?**

**1.1.1. If so, please specify the scope, procedure and timetable.**

**1.1.2. If not, does it intend to do so?**

The new MFF will be deliberated on in our Chamber at the Committee for European Affairs on 8<sup>th</sup> September 2011. Most probably, after the recommendation of the Committee the Plenary will discuss it after this date too. The opinion of our Chamber on the new MFF will result of the deliberation at the Committee and the Plenary. Nevertheless, the Committee on the Budget already deliberated on certain aspects of the new MFF with respect to the request of the EP's SURE Committee in January 2011.

**1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?**

We do not support such proposal, there is a preference of the 7 year period in our Chamber.

**1.3. What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?**

There is a preference of the GNI based contributions of Member States only in our Chamber, rather than adding other types of sources. We also prefer maintaining actual extent of the budget.

**1.4. What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?**

There is not support for setting up new EU's own resources in our Chamber. We support established (traditional) EU's own resources and GNI based based contributions.

**1.5. Does your Parliament/Chamber support the Commission's proposals on the Europe 2020 Project Bond initiative?**

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**1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.**

Not able to presume now.

**1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?**

**1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States?**

In the long term, strong Cohesion policy is a top priority of our Chamber.

**1.8. Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources?**

At certain circumstances we can imagine this.

## **CHAPTER 2: Two years after the entry into force of the Treaty of Lisbon - parliamentary experience**

### **2.1. Reasoned opinions**

**2.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned.**

One. It was the proposal concerning the seasonal workers (COM(2010)379).

We also stated the breach of the subsidiarity principle at the CCCTB proposal, however, the resolution was adopted after the given 8 week period and was not reasoned really, it just stated the breach of the subsidiarity principle only. Nevertheless, we passed the resolution to the European Commission, at least for information (COM (2011)121).

**2.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission?**

Our Chamber received the reply concerning the seasonal workers (COM(2010)379) from the Vice-President of the European Commission Mr. Maroš Šefčovič and is still expecting the reply concerning the document COM(2011)121.

**2.1.3. Were those replies sent within the Commission self-imposed time-limit of three months?**

Yes, the reply was sent within the time-limit of tree months.

**2.1.4. Were those replies satisfactory? If not, please indicate why.**

The replies of the Commission were always sent to all members of the Committee on European Affairs. Nobody of them made any observations.

**2.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber?**

The Committee for European Affairs is informed.

**2.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases.**

Not really.

**2.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving the Commission's reply to a reasoned opinion? If so, please indicate the COM documents.**

No.

**2.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal?**

We would definitely welcome a longer period.

**2.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion?**

No.

**2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages?**

It is all right. In our opinion, there is no desperate need to translate really everything into all EU official languages.

**2.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications.**

It is satisfactory, no modification took place.

## **2.2. Informal political dialogue**

**2.2.1. How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to the European Commission since the entry into force of the Treaty of Lisbon? Please specify the COM documents.**



COM(2009)379 – reasoned opinion sent on 12<sup>th</sup> October 2010  
COM(2011)121 – reasoned opinion sent on 15<sup>th</sup> June 2011  
COM(2009)708 – opinion sent on 24<sup>th</sup> March 2011  
COM(2011)144 – opinion sent on 9<sup>th</sup> June 2011  
COM(2010)603 – opinion sent on 31<sup>st</sup> January 2011  
COM(2009)471 – opinion sent on 7<sup>th</sup> December 2010

**2.2.2. How many contributions did your Parliament/Chamber receive replies to from the European Commission?**

Our Parliament received two replies from the European Commission concerning documents COM(2010)379 and COM(2010)348.

**2.2.3. Were those replies satisfactory? If not, please indicate why.**

Yes, they were quite satisfactory.

**2.2.4. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber?**

The Committee for European Affairs is informed.

**2.2.5. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a contribution? If so, please provide the underlying reasons and specify the COM documents.**

No.

**2.3. Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

**2.3.1 Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?**

We are carefully watching proposals providing for delegated acts, at some proposals the Committee for European Affairs stated in its resolution that too much competence is being passed to the Commission.

**2.3.1.1 Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)?**

Most of the time, there is no capacity (staff and time) left to deal with this.

**2.3.1.2 Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?**

Cannot really assess.

**2.3.2 Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?**

Hardly.

## **Czech Republic: Senát**

### **CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy**

#### **Questions:**

##### **1.1. Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?**

The Government's position on the MFF 2014-2020 is being drafted now and is expected to be finalized before the end of August. However, the Senate has already presented several preliminary comments on the issue within the framework of its scrutiny of the EU initiatives (see the following answer).

##### **1.1.1. If so, please specify the scope, procedure and timetable.**

Prior to the publication of the proposal for the MFF 2014-2020, the Senate had been actively involved in the debate on the Czech position on the MFF. The debate was based on the scrutiny of the Communication from the Commission (COM(2010) 700) - the EU Budget Review. The Communication was first debated in the Committee on National Economy, Agriculture and Transport on March 2, 2011, and subsequently in the Committee on EU Affairs on March 23, 2011. The latter Committee adopted a recommendation to the plenary, which passed a Resolution based on this recommendation on April 27, 2011. The Resolution outlines the Senate's position on the main issues concerning the future MFF.

##### **1.1.2. If not, does it intend to do so?**

Having received the Commission's proposals for the MFF 2014-2020, the Senate is now going to engage in a substantial and detailed debate with the representatives of the Government, both in its committees and the plenary, and if a resolution is passed, it can be forwarded to the Commission as well. The timetable for scrutiny has not been set yet, but it is likely that the relevant committees (i.e. the Committee on EU Affairs and the Committee on National Economy, Agriculture and Transport) will start the scrutiny process as soon as the Government has approved its position on the dossier, which is expected at the end of August.

##### **1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?**

The Senate has not taken a final position on this issue yet. There are strong arguments both for leaving the length of the framework unchanged and for shortening the framework to five years. The seven-year period ensures medium-term security for all participants in terms of available resources and stable conditions for the drawing of finances, and thus contributes to the effective implementation of multiannual programmes. On the other hand, the Senate recognizes the added value of aligning the length of the financial framework with the tenure of the Commission and the Parliament, both in its symbolic and practical way.

##### **1.3. What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?**

The Senate is of the opinion that the GNI-based component of the EU's own resources should play a major role in the future financing of the EU. That is why it supports replacing the current resource based on VAT, which is overly complicated, with the GNI-based contributions of Member States.

**1.4. What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?**

The Senate is not convinced of the need to introduce new taxes at the Union level as a new resource of the EU budget revenues because it regards tax policy as an area of sovereign competence of Member States, in which the EU should not interfere. It has explicitly rejected the idea of financial transaction tax and has been continuously, in its dialogue with the Commission, recalling the exemption of the Czech Republic negotiated at the European Council in June 2010 that gives the Czech Republic the right not to introduce bank levies or new financial taxes.

**1.5. Does your Parliament/Chamber support the Commission's proposals on the Europe 2020 Project Bond initiative?**

The Senate is aware of the need to look for additional resources for financing of European projects and, thus, generally supports the search for optimal involvement of private capital. Therefore, it has invited the Commission to elaborate on the concept of project bonds and to further analyse possible ways of involving the European Investment Bank and the European Bank for Reconstruction and Development in financing European projects. However, more information and impact assessments are necessary before this idea can be taken forward. It is also essential to avoid crowding out of private investments by public money.

**1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.**

The Senate believes that the MFF 2014-2020 should be closely linked with the EU2020 goals. That is why it considers fundamental to re-evaluate the current allocations from the EU budget to individual EU policies so that the expenditures would truly reflect the basic policy priorities of the EU and help meet the EU2020 goals. Having that in mind, the Senate supports channelling of the EU budget funds into projects with highest EU added value, among which it counts especially energy infrastructure projects reinforcing the Union's energy security or projects supporting science, research and innovation, as well as projects supporting mobility of students and labour force, i.e. projects with the potential to boost economic growth and create new jobs.

**1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?**

The Senate believes that the change in the structure of EU expenditure headings as outlined in the EU Budget Review is not appropriate as it means further aggregation of various expenditures under a single general and often unrelated heading, which, in the citizens' eyes, decreases the transparency of fiscal management in the EU. The current design of six headings seems quite sufficient.

**1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States?**

The evaluation of proposed allocations to individual headings and sub-headings will be carried out during the upcoming scrutiny. As of now, there is no official position of the Senate related to the size or structure of the proposed framework.

**1.8. Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources?**

It seems hard to see how the efficient use of EU budgetary funds might be increased if the unspent funds of the given year were to be carried over to the next fiscal period as EU own resource. In fact, the inability of the EU to spend all funds available in the given fiscal period might suggest a different conclusion – rather burdensome and overly complex system of financial management of the EU funds. Therefore, the Senate would welcome a stronger focus on improving the effectiveness of the implementation rules and financial resources spending procedures, as well as management and control systems, instead of carry-overs of unspent funds.

**CHAPTER 2: Two years after the entry into force of the Treaty of Lisbon - parliamentary experience**

**2.1. Reasoned opinions**

**2.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned.**

The Senate adopted **one reasoned opinion** regarding Proposal for a Directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purpose of seasonal employment, COM(2010) 379.

**2.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission?**

The Senate received reply to the above-mentioned reasoned opinion regarding COM(2010) 379.

**2.1.3. Were those replies sent within the Commission self-imposed time-limit of three months?**

**No**, the reasoned opinion was sent to the Commission on 24 September 2010 and the reply was received on 24 January 2011.

**2.1.4. Were those replies satisfactory? If not, please indicate why.**

The reply was a very detailed one (also compared to other Commission's replies sent within political dialogue). The Commission dealt with every single argument/observation of the Senate. Nevertheless, it insisted on the justification of the proposed regulation.

**2.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber?**

The replies are briefly presented by the rapporteur responsible at the meeting of the Committee on EU Affairs. Furthermore, they are published on the Senate's web pages.

**2.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases.**

As far as the only reasoned opinion of the Senate is concerned, the process of negotiation of the proposal is not far enough to make any conclusion on this point.

**2.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving the Commission's reply to a reasoned opinion? If so, please indicate the COM documents.**

No.

**2.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal?**

Since in the Senate the proposal has to be deliberated both at committee (meets approx. twice a month) and at plenary level (meets approx. once a month), the eight-week period **is generally not sufficient**. In case of the above-mentioned reasoned opinion, it was necessary to convene an extraordinary meeting of the Committee on EU Affairs, in order to comply with the deadline.

**2.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion?**

No.

**2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages?**

In most of the cases we find the data provided in the impact assessments sufficient. The question to be discussed is the methodology of the studies and interpretation of the data collected.

We do not deem translations of full IA necessary. The additional costs would not be proportionate to the added value.

**2.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications.**

Yes, the established practice has been satisfactory so far. In the Senate, subsidiarity control mechanism is an integral part of the ex-ante scrutiny of EU legislation. Therefore, there was no need to define a special procedure in this regard. The Senate's Rules of Procedure were amended to implement the Treaty of Lisbon provisions regarding action on grounds of infringement of the principle of subsidiarity by a legislative act of the European Union.

## **2.2. Informal political dialogue**

### **2.2.1. How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to the European Commission since the entry into force of the Treaty of Lisbon? Please specify the COM documents.**

Since 1 December 2009, **52 contributions** have been sent to the European Commission: COM(2009) 329, COM(2009) 475, COM(2009) 490, COM(2009) 622, COM(2009) 551, COM(2009) 554, COM(2010) 061, COM(2010) 2020, COM(2009) 673, COM(2010) 083, COM(2010) 119, COM(2010) 082, COM(2010) 171, COM(2010) 066, COM(2010) 186, COM(2010) 291, COM(2010) 379, COM(2010) 250, COM(2010) 265, COM(2010) 254, COM(2010) 28, COM(2010) 311, COM(2010) 350, COM(2010) 344, COM(2010) 365, COM(2010) 343, COM(2010) 378, COM(2010) 368, COM(2010) 348, COM(2010) 370, COM(2010) 482, COM(2010) 484, COM(2010) 492, COM(2010) 474, COM(2010) 522-527, COM(2010) 639, COM(2010) 618, COM(2010) 642, COM(2010) 682, COM(2010) 708, COM(2010) 700, COM(2010) 608, COM(2010) 672, COM(2010) 758, COM(2010) 783, COM(2010) 811, COM(2010) 776, COM(2011) 032, COM(2011) 015, COM(2011) 066, COM(2011) 121, Framework Agreement between the European Parliament and the Commission (2010)

### **2.2.2. How many contributions did your Parliament/Chamber receive replies to from the European Commission?**

So far, the Senate has received **32 replies** to resolutions sent to the Commission after 1 December 2009.

### **2.2.3. Were those replies satisfactory? If not, please indicate why.**

The quality of the replies differs (by the DG responsible, by the type of document). Generally, the replies to resolutions on draft legislative acts are more elaborated. The Senate invited the Commission on several occasions (e.g. official visit of Commission Vice-President Maroš Šefčovič) to provide more concrete replies to green papers. The Senate would in particular welcome information on the results of public consultation launched by the green paper, even though the self-imposed time limit of three months for a reply would be exceeded.

### **2.2.4. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber?**

See the answer to 2.1.5. – all the replies of the Commission, be it to the reasoned opinions or opinions sent within the political dialogue, are dealt with in the same manner.

### **2.2.5. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a contribution? If so, please provide the underlying reasons and specify the COM documents.**

No. The only case of a “follow-up” of the dialogue was the resolution of the Senate on Annual Report 2008 on relations between the European Commission and national parliaments<sup>4</sup> where the Senate expressed its regrets over a very brief reply of the Commission to the Senate’s resolution on the previous Annual Report on relations between the European Commission and national parliaments (i.e. the Report 2007).

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<sup>4</sup> <http://www.senat.cz/xqw/webdav/pssenat/original/53953/45773>

## **2.3. Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

### **2.3.1 Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?**

The Senate expressed its opinion in the resolution on the Communication from the Commission to the European Parliament and the Council - Implementation of Article 290 of the Treaty on the Functioning of the European Union on 20 May 2010.<sup>5</sup>

#### **2.3.1.1 Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)?**

Yes, the Senate is very well aware of the unfortunate trend of basic legislative acts containing only a framework regulation, which leads to an increased number of delegated acts, the adoption process of which is less transparent than the one of the basic acts.

#### **2.3.1.2 Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?**

The Senate has so far expressed its opinion on the application of Art. 290 TFEU in the course of scrutiny of several proposals, e.g. the proposal for a regulation on the Citizens' Initiative, the recast of the first railway package or the proposal for a regulation of the European parliament and of the Council on OTC derivatives, central counterparties and trade repositories.

In the first case, the Senate expressed its disagreement with the fact that the power to amend the Annex I on the minimum number of signatories of the Initiative per member state could be delegated to the Commission, moreover for an indeterminate period of time, for the reason that the Annex was considered to be a non-essential element of the legislative act. In the case of the recast of the railway package, the Senate supported the position of the Czech Government regarding its efforts to specify and clearly define the scope of the Commission's competences.

As regards the proposal on OTC derivatives, the Senate criticised the fact that a number of important aspects such as key threshold indicators, criteria, setting of procedures and norms are left out without any further specification in many parts of the proposal and shall be adopted later on by means of delegated acts or by the ESMA, which does not allow the Senate to fully assess the quality and impact of the proposal.

### **2.3.2 Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?**

There are no concrete proposals regarding most appropriate solution of this problem. We are of the opinion that the situation of most of the national Parliaments is such that they do not have sufficient capacity to monitor the plethora of delegated acts adopted. Therefore, we found interesting the idea submitted by the House of Lords regarding cooperation with the European parliament on this issue.

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<sup>5</sup> <http://www.senat.cz/xqw/webdav/pssenat/original/55974/47467>

## Denmark: Folketing

### CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy

#### Questions:

- 1.1. **Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?**  
No, not directly. But there is general political agreement among political parties in Denmark concerning the MFF 2014-2020.  
The Government will however have to obtain a mandate from the EAC before signing up to the MFF 2014-2020 in the Council.
  - 1.1.1. **If so, please specify the scope, procedure and timetable.**
  - 1.1.2. **If not, does it intend to do so?** No
- 1.2. **What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?** No opinion
- 1.3. **What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?** The parliament doesn't have a separate position from the government on this issue. For now the government is against reducing GNI-based contributions, but is willing to look at specific proposals from the Commission on own resources.
- 1.4. **What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?** At this point in time, the parliament doesn't have an opinion.
- 1.5. **Does your Parliament/Chamber support the Commission's proposals on the Europe 2020 Project Bond initiative?** At this point in time, the parliament doesn't have an opinion.
- 1.6. **Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.** The parliament supports the full implementation of the 2020 goals as well as strengthening the Single Market.
- 1.7. **In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?** Generally, there is a wish among the majority in Parliament to strengthen sub-heading 1a as well as heading 3 and 4.



1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States? **Yes**

1.8. Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources? **No, a majority of political parties continue to wish the return of unspent funds.**

## **CHAPTER 2: Two years after the entry into force of the Treaty of Lisbon - parliamentary experience**

### **Questions:**

#### **2.1. Reasoned opinions**

2.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned. **3. COM (2010) 368, COM (2010) 486 and COM (2010) 799.**

2.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission? **2. No reply has been received to the reasoned opinion on COM (2010) 799.**

2.1.3. Were those replies sent within the Commission self-imposed time-limit of three months? **Yes**

2.1.4. Were those replies satisfactory? If not, please indicate why. **They have not caused debate in the European Affairs Committee.**

2.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber? **They are distributed as committee documents in the European Affairs Committee.**

2.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases. **No. But as regards COM (2010) 368 concerning Deposit Guarantee Schemes, the criticised part of the proposal were later removed.**

2.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving the Commission's reply to a reasoned opinion? If so, please indicate the COM documents. **No**

2.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine

the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal? 8 weeks is considered very little time to substantially check Commission proposals. Hence the Danish parliament makes use of the Barosso initiative/informal political dialogue, when more than 8 weeks are needed for scrutiny of content not related to subsidiarity.

- 2.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion? Yes, in the proposals COM (2010) 486 and COM (2010) 799. Please see the opinions here: [http://ec.europa.eu/dgs/secretariat\\_general/relations/relations\\_other/np/ docs/denmark/2010/com20100799/com20100799\\_folketinget\\_opinion\\_en.pdf](http://ec.europa.eu/dgs/secretariat_general/relations/relations_other/np/ docs/denmark/2010/com20100799/com20100799_folketinget_opinion_en.pdf)
- 2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages? The parliament is satisfied with the impact assessments in English.
- 2.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications. Yes, thus far the control mechanism of the Danish parliament - which involves cooperation with the government – has worked well.

## 2.2. Informal political dialogue

- 2.2.1. How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to the European Commission since the entry into force of the Treaty of Lisbon? Please specify the COM documents. 19 in all.  
For specifications of COM documents, please see for 2010: [http://ec.europa.eu/dgs/secretariat\\_general/relations/relations\\_other/np/ denmark/2010\\_en.htm](http://ec.europa.eu/dgs/secretariat_general/relations/relations_other/np/ denmark/2010_en.htm)  
Please see for 2011: [http://ec.europa.eu/dgs/secretariat\\_general/relations/relations\\_other/np/ denmark/2011\\_en.htm](http://ec.europa.eu/dgs/secretariat_general/relations/relations_other/np/ denmark/2011_en.htm) as well as COM (2011) 48, COM (2011) 144 and COM (2011) 164
- 2.2.2. How many contributions did your Parliament/Chamber receive replies to from the European Commission? 8
- 2.2.3. Were those replies satisfactory? If not, please indicate why. Yes
- 2.2.4. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber? Distributed as committee documents in the European Affairs committee.

- 2.2.5. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a contribution? If so, please provide the underlying reasons and specify the COM documents. **No.**

### **2.3. Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

- 2.3.1. Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)? **The Danish parliament has a procedure for handling delegated acts. The European Affairs Committee in the Danish Parliament scrutinizes delegated acts the same way as other EU matters. In other words, the Government has to present its position to the European Affairs Committee on delegated acts it considers to be of considerable importance.**

The presentation takes place in writing, and the Parliament then has at least 8 days to react.

If the Parliament adjusts the Government's position, the Government must inform the other Council members of this adjustment. The Danish tradition of having minority governments fosters the need for the government to always ensure that it has a majority of the Parliament behind its position.

- 2.3.1.1 Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)? **No concerns have been raised thus far.**
- 2.3.1.2 Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals? **No debate has been raised on the issue, although the general use of delegated acts have been debated.**
- 2.3.2 Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts? **The Danish parliament has been focusing on scrutinizing delegated acts via its government in the Council.**

## Estonia: Riigikogu

### CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy

#### Questions:

#### **1.1. Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?**

**1.1.1. If so, please specify the scope, procedure and timetable.** Estonian Parliament EU affairs committee has considered political and financial priorities which Estonia foresees for the next multiannual financial framework of the EU for the period following the year 2013, during two committee sittings in 9<sup>th</sup> April and in 26<sup>th</sup> November 2010 together with Minister of Finance of Estonian Republic. Civil servants of the MFA and Ministry of Finance have briefed the Committee on the course of preparing Estonian positions on July 25. A larger debate on the MFF is foreseen in September when the Government will submit the MFF-related package as well as initial positions of Estonia to the Riigikogu and several sectorial committees will give the EU Affairs Committee their opinions in order for the EU Affairs Committee to finalize the Estonian positions. After that the committee will discuss MFF-related topics in accordance with the issues coming up during the negotiations.

Clerks of the EU Affairs Committee are members and take regularly part in MFF working group of the Government (civil servants level) chaired by responsible staff of the Ministry of Finance.

#### **1.1.2. If not, does it intend to do so?**

**1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?** The duration of the MFF must be sufficient (e.g. 7 years) to ensure the necessary financial and political stability for planning and investing the funds. This is why we prefer updating the budget with measures other than shortening the budget period, for example by increasing the flexibility of budget sections.

**1.3. What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?** The EU Affairs Committee has not discussed the issue of own resources in detail.

**1.4. What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?** The EU "own resources" issue must be made simpler and more transparent. We support the elimination of the current VAT-based own funds and correction mechanisms. We are open to discussion on the proposed new forms of own resources, believing however that the new own resources must fulfil not only the criteria proposed by the Committee, but also the criteria of stability and sufficiency. In view of the specific features of the Estonian income tax system, we are most doubtful on basing the own resources on corporation tax.

**1.5. Does your Parliament/Chamber support the Commission's proposals on the Europe 2020 Project Bond initiative? This has not been discussed.**

**1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.**

The European Union Affairs Committee is of the opinion that the European Union budget must be directed at achieving the goals of the Europe 2020 Strategy and its national implementation strategies, all the while supporting activities that provide an added value at the EU level (both in the field of the Single Market and other fields)

**1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?** Our preliminary position is that, as regards the funds allocated to Estonia, besides the volume of the budget headings, it is very important how and under what conditions the funds are distributed within the headings and under what conditions they can be used, especially in the case of the Cohesion Policy, rural development and direct agricultural support. Since more detailed rules are provided in Regulations based on funds and the European Commission is going to submit proposals for these Regulations in the autumn, then the EU Affairs Committee is also planning to discuss this issue in the autumn.

**1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States? See the previous answer.**

**1.8. Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources? See the answer in point 1.3.**

## **CHAPTER 2: Two years after the entry into force of the Treaty of Lisbon - parliamentary experience**

### **Questions:**

#### **2.1. Reasoned opinions**

**2.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned. 0**

**2.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission? 0**

- 2.1.3. Were those replies sent within the Commission self-imposed time-limit of three months? NA
- 2.1.4. Were those replies satisfactory? If not, please indicate why. Not available
- 2.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber? Not available
- 2.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases. Not available
- 2.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving the Commission's reply to a reasoned opinion? If so, please indicate the COM documents. Not available
- 2.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal? Depends on each proposal.
- 2.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion? Not available
- 2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages? Yes, the latter proposal could be of additional help.
- 2.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications. Yes it has; the possibility of dealing with *inter alia* subsidiarity breaches in addition to the existing scrutiny was introduced in 2010.

## **2.2. Informal political dialogue**

- 2.2.1. How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to the European Commission since the entry into force of the Treaty of Lisbon? Please specify the COM documents. 0
- 2.2.2. How many contributions did your Parliament/Chamber receive replies to from the European Commission? Not available

- 2.2.3. Were those replies satisfactory? If not, please indicate why.** Not available
- 2.2.4. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber?** Not available
- 2.2.5. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a contribution? If so, please provide the underlying reasons and specify the COM documents.** Not available

### **2.3. Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

- 2.3.1 Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?** The Riigikogu has not discussed the question of Art 290 TFEU
- 2.3.1.1 Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)?** The EU Affairs Committee discussed these issues under the existing scrutiny framework; “comitology” questions have been raised in the Committee and have been dealt with in cooperation with the Government according to existing scrutiny framework.
- 2.3.1.2 Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?**
- 2.3.2 Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?**

**CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy**

**1.1. Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?**

**1.1.1. If so, please specify the scope, procedure and timetable.**

Yes. Scrutiny is ongoing, and the current operative document is Grand Committee statement SuVL 13/2010, which was approved on 4 March 2011 (i.e. before this year's general election). The statement draws on statements of the Finance Committee and earlier resolutions of the Grand Committee (procedure reference E 94/2010). Reference is also made to Grand Committee statement SuVL 7/2010 (23 June 2010) on the future of the Common Agricultural Policy.

**1.1.2. If not, does it intend to do so?**

**1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?**

The Grand Committee has reservations about the proposal, noting that five years is too short for long-term policy cohesion. The Grand Committee's preference is for a ten-year framework with a mid-term review (the "5+5 model").

**1.3. What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?**

The Grand Committee has reservations, mainly on the grounds that the various proposals for new own resources do not appear to be very realistic and that own resources imply a lesser degree of political insight by the member states' political organs, thereby reducing the democratic legitimacy of the EU budget.

**1.4. What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?**

As in qu. 1.3.

**1.5. Does your Parliament/Chamber support the Commission's proposals on the Europe 2020 Project Bond initiative?**

The Grand Committee broadly supports the idea noting, however, that the details need to be developed and the proposals to be coordinated with the various financing instruments resulting from the economic crisis.

**1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.**

The Grand Committee notes that the MFF and the Europe 2020 strategy need to be harmonised as a matter of policy cohesiveness. The Committee also observes, however,



that most of the Europe 2020 strategy goals are in the national sphere and not really subject to community funding. Thus, implementation of the EU202 strategy is not contingent on the EU budget.

**1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?**

**1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States?**

The Grand Committee believes that there continues to be a case for cohesion policies in their own right, but greater attention should be paid to their justifications (including subsidiarity): cohesion expenditure should be based on particular development needs exceeding the relevant Member State's means, on permanent disadvantages affecting particular areas, or on particular European policies relating to, e.g., neighbourhood policies, energy and emission policies. The EU needs to get away from the concept of "*juste retour*". A more coherent approach to cohesion policies should make additional funds available for competitiveness projects.

**1.8. Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources?**

No. As a matter of democratic legitimacy both the Union's outlays and its fundraising need to be subject to advance political approval by the Member States, which are the source of both the EU's legitimacy and its funds.

**CHAPTER 2: Two years after the entry into force of the Treaty of Lisbon - parliamentary experience**

General observations:

As noted in previous bi-annual reports, the Eduskunta has not been particularly keen on the subsidiarity mechanisms introduced by the Lisbon Treaty. These were felt not to add to the Eduskunta's powers compared to existing, domestic scrutiny procedures. Also, it was felt that subsidiarity as defined in Art 5 TEU is very rarely a problem, whereas the Lisbon Treaty's wording does not really give national parliaments a say on the substantive content of EU legislative proposals (which frequently are problematic). Finally, the Eduskunta has constitutional reservations about the notion of a dialogue between national parliaments and the Commission; as the supreme political bodies of the member states, parliaments' views should automatically be the views of their respective Member States and thus be represented in the Council.

Subsequent developments have led to a certain reopening of the discussion in Finland. From the Eduskunta's perspective, the subsidiarity mechanism has merged *de facto* with the political dialogue between the Commission and national parliaments. Many of the reasoned opinions submitted by national parliaments seem to be concerned with substantive issues rather than the narrowly procedural questions allowed by art 5 TEU. It remains to be seen whether this dialogue

has actually added to the impact of national parliaments' scrutiny activities. If the procedure is deemed to be useful, the Eduskunta may reconsider its reservations.

## **2.1. Reasoned opinions**

**2.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned.**

None.

**2.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission?**

Not applicable.

**2.1.3. Were those replies sent within the Commission self-imposed time-limit of three months?**

Not applicable.

**2.1.4. Were those replies satisfactory? If not, please indicate why.**

Not applicable.

**2.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber?**

The situation has not arisen in practice. Such replies would be equivalent to any other additions to an existing dossier, i.e. would be discussed by the Grand Committee, which might express an opinion or order the Government to take action.

**2.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases.**

Not applicable to Finland. Obviously, the replies received to this question will be of great interest for any Finnish re-evaluation of the Lisbon mechanisms.

**2.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving the Commission's reply to a reasoned opinion? If so, please indicate the COM documents.**

Not applicable.

**2.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal?**

In the Eduskunta's experience, eight weeks is quite sufficient.

**2.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion?**

The Eduskunta has not issued reasoned opinions, but has occasionally addressed the issue of insufficient legal basis and/or insufficient subsidiarity justifications in the domestic scrutiny procedure.

**2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages?**

The quality of impact assessments, like the quality of actual legislative proposals, seems to be variable. At best, well-drafted proposals come with informative impact assessments. At worst, impact assessments are schematic, only offering lip service to the Treaty's requirements. On the translations issue, the Eduskunta is prepared to be pragmatic: While the substantive proposals must be available in all official languages, not all background documents need to be translated into all languages. It would depend on the relative importance of the underlying proposal.

**2.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications.**

The Eduskunta is generally satisfied with its internal workings. Please refer also to our general remarks above.

**2.2. Informal political dialogue**

General observation: The Eduskunta has not participated in the informal political dialogue with the Commission, although one internal scrutiny report was sent to the Commission, which recorded it as input to the political dialogue. Our observations concerning the subsidiarity mechanism apply *mutatis mutandis*.

**2.2.1. How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to the European Commission since the entry into force of the Treaty of Lisbon? Please specify the COM documents.**

The Grand Committee's statement SuVL 12/2010 (15 Dec. 2010) on the seasonal workers directive (COM[2010] 379) and the intra-corporate transfers directive (COM[2010] 378) was forwarded to the Commission for information and was acknowledged by the Commission as input to the informal political dialogue.

**2.2.2. How many contributions did your Parliament/Chamber receive replies to from the European Commission?**

None. Apart from a brief acknowledgment promising a reply within three months, nothing has been heard from the Commission.

**2.2.3. Were those replies satisfactory? If not, please indicate why.**

No reply received.

**2.2.4. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber?**

Cf. 2.1.5.

**2.2.5. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a contribution? If so, please provide the underlying reasons and specify the COM documents.**

Not applicable.

### **2.3. Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

**2.3.1 Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?**

In principle, delegated acts are not considered problematic, provided that the underlying act containing the delegation has been properly drafted. In practice, however, the Eduskunta is regularly confronted with situations in which Art. 290 has been improperly applied. The issue seems to be related to the old question of the technical quality of European legislation.

**2.3.1.1 Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)?**

The issue has on several occasions been raised by sector committees and in dialogue with the government. The general problem seems to be that delegated acts exceed the powers granted in the underlying legislation or even contradict the underlying act.

**2.3.1.2 Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?**

Delegated acts seem to be subject to the same problems as other European legislation: some are better drafted, more precise, etc. than others. Of real concern is the tendency for delegated acts not to respect the limits inherent in delegation.

**2.3.2 Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?**

As usual, the Eduskunta prefers to rely on its existing constitutional powers; where there is need for Finnish input, the normal procedure would be to instruct the government to speak for the Finnish Republic. Dialogue between the Eduskunta and the European institutions is not considered a first option. Ultimately, if delegated powers are exceeded, the remedy would be legal action.

## **France: Assemblée nationale**

### **Chapitre 1 : Le cadre financier pluriannuel et la stratégie Europe 2020**

1.1- Non. La Commission des affaires européennes, sur la base des propositions présentées par la Commission européenne le 29 juin dernier, devrait se prononcer courant 2012 sous forme d'une proposition de résolution, qui sera ensuite examinée par la commission des finances de l'Assemblée.

1.2- L'Assemblée nationale ne s'est pas prononcée sur cette question.

1.3- L'Assemblée nationale ne s'est pas prononcée sur cette question.

1.4- L'Assemblée nationale a adopté, le 14 juin 2011 ([http://www.assemblee-nationale.fr/13/dossiers/taxe\\_transactions\\_financieres\\_Europe.asp](http://www.assemblee-nationale.fr/13/dossiers/taxe_transactions_financieres_Europe.asp)), une résolution en faveur de la création d'une taxe sur les transactions financières au service des financements innovants, et de la présentation d'une proposition législative au niveau de l'Union européenne, ou, à défaut, d'abord au niveau de la zone euro ou d'un groupe d'Etats de l'UE. Toutefois, cette résolution n'aborde pas la question de l'éventuelle utilisation de tout ou partie de cette taxe comme ressource propre du budget européen.

La Commission des affaires européennes a auditionné à plusieurs reprises M. Alain Lamassoure, président de la commission des budgets du Parlement européen, sur le sujet de la nécessaire réforme du système des ressources du budget de l'Union, mais ne s'est pas encore prononcée sur cette question.

1.5- Le 27 octobre 2010, la commission des affaires européennes de l'Assemblée a adopté des conclusions dans lesquelles elle « considère que la question des investissements dans les projets d'avenir est essentielle pour le succès de la stratégie Europe 2020, et regrette qu'elle ne soit pas suffisamment traitée à ce stade » et « demande qu'un débat sur le financement de ces investissements soit organisé, en envisageant d'une part une mutualisation des budgets des Etats membres qui le souhaitent dans les domaines de la recherche et de l'innovation, de l'énergie, des transports, de la défense et du numérique, et d'autre part un emprunt européen consacré à ces grands projets d'intérêt commun ». Elle a réitéré ces propositions dans la résolution adoptée par l'Assemblée nationale le 9 juillet 2011 ([http://www.assemblee-nationale.fr/13/dossiers/programmes\\_stabilite\\_reforme\\_France.asp](http://www.assemblee-nationale.fr/13/dossiers/programmes_stabilite_reforme_France.asp)).

1.6. L'Assemblée nationale ne s'est pas prononcée sur cette question.

1.7. L'Assemblée nationale ne s'est pas prononcée sur cette question.

1.8. L'Assemblée nationale ne s'est pas prononcée sur cette question.

## Chapitre 2 : Les expériences parlementaires deux ans après Lisbonne

2.1.1- Un avis motivé a été adopté par l'Assemblée nationale le 15 juin 2011 [http://www.assemblee-nationale.fr/13/dossiers/taxation\\_produits\\_energetiques\\_electricite.asp](http://www.assemblee-nationale.fr/13/dossiers/taxation_produits_energetiques_electricite.asp), sur la directive 2003/96/CE restructurant le cadre communautaire de taxation des produits énergétiques et de l'électricité (COM (2011) 169 final/n° 6212).

2.1.2- Cet avis motivé n'a pas à ce jour fait l'objet d'une réponse spécifique.

2.1.3- Voir supra.

2.1.4- Voir supra.

2.1.5- Voir supra.

2.1.6- Voir supra.

2.1.7- La Commission des affaires européennes de l'Assemblée entend continuer le dialogue politique avec la Commission européenne, qui permet notamment d'étendre son contrôle au respect du principe de proportionnalité et d'engager des discussions sur le fond des textes. Elle n'a cependant pas adopté d'avis depuis l'entrée en vigueur du traité de Lisbonne succédant aux 7 avis qu'elle avait formulés avant cette date.

2.1.8- Le délai de 8 semaines pose de réelles difficultés d'organisation, compte tenu de la surcharge de l'agenda parlementaire. Les procédures mises en place assurent toutefois, grâce à la possibilité d'une approbation tacite, tant de la commission spécialisée concernée au fonds que de la séance publique, des propositions adoptées par la Commission des affaires européennes, dans les 15 jours pour chaque organe, le respect de ces contraintes.

2.1.9- Question sans objet, voir supra.

2.1.10- Les analyses d'impact jointes aux projets d'actes législatifs sont de qualité satisfaisante, bien qu'étant disponibles en français après un délai souvent excessif.

2.1.11- À ce stade, le mécanisme interne de contrôle de la subsidiarité mis en place à l'Assemblée, décrit dans les réponses au précédent questionnaire semestriel de la COSAC, n'appelle pas de modification substantielle. Néanmoins, la première expérience de l'adoption d'un avis a montré la nécessité, en particulier pour le service des affaires européennes, d'assurer une préparation très en amont des avis, une expertise diligente des textes concernés (la Commission disposant, du fait des délais mentionnés supra, d'environ trois semaines pour se prononcer à compter de la transmission du projet d'acte) et une association étroite et précoce des organes concernés de l'Assemblée, en particulier les commissions spécialisées et la Conférence des présidents, chargée d'arbitrer l'ordre du jour de la séance publique.

2.2.1- Aucune contribution n'a été envoyée.

2.2.2- Sans objet, voir supra.

2.2.3- Voir supra.

#### **2.2.4- Voir supra.**

**2.3.1- La problématique général des actes délégués (et des actes d'exécution) a fait l'objet de deux communications du Président Pierre Lequiller au cours des réunions de la Commission des affaires européennes des 22 septembre 2009 ([http://assemblee-nationale/13/europe/c-rendus/c0116.asp#P20\\_525](http://assemblee-nationale/13/europe/c-rendus/c0116.asp#P20_525)) et 6 juillet 2010 ([http://assemblee-nationale/13/europe/c-rendus/c0159.asp#P186\\_50975](http://assemblee-nationale/13/europe/c-rendus/c0159.asp#P186_50975)).**

**A cet occasion, la Commission a préféré, plutôt que de s'astreindre à un illusoire contrôle exhaustif de la masse des décisions de comitologie, (1) étendre le mandat des rapporteurs sur les principaux textes législatifs au contrôle des principales mesures déléguées et d'exécution qui en découlent, le cas échéant au moyen d'une communication auprès de la Commission des affaires européennes, (2) auditionner, pour les textes les plus importants, les principaux experts français appelés à siéger dans les divers comités participant à l'édition des actes délégués et d'exécution et (3) identifier les secteurs pouvant faire l'objet d'une veille plus étroite.**

**2.3.2- Une coopération étroite, en particulier avec le Parlement européen, est une des voies les plus prometteuses pour garantir la mise en place d'un contrôle parlementaire efficace.**

## **France: Sénat**

### **Chapitre 1 : Cadre financier pluriannuel pour la stratégie Europe 2020**

#### **Questions:**

- 1.1. Est-ce que votre Parlement/Chambre a été activement impliqué/e à l'établissement de la position de votre gouvernement sur le CFP 2014-2020?**

*Le Sénat français a examiné la préparation et les enjeux du futur cadre financier pluriannuel de l'Union européenne (2014-2020) dans le rapport d'information du sénateur François Marc adopté par sa commission des affaires européennes et publié le 6 juillet 2011 (<http://www.senat.fr/rap/r10-738/r10-738.html>).*

*Cependant, le Sénat n'a pas encore adopté une position sur ce cadre financier pluriannuel et ne peut donc pas répondre aux questions 1.1 à 1.8 de ce questionnaire. Il adoptera cette position au cours de l'automne 2011.*

- 1.1.1. En cas de réponse affirmative, veuillez préciser la portée, la procédure et le calendrier.**
- 1.1.2. En cas de réponse négative, a-t-il (-elle) l'intention d'y participer?**
- 1.2. Quel est l'avis de votre Parlement/Chambre sur la proposition relative à la réduction de la durée du CFP de 7 à 5 ans?**
- 1.3. Quel est l'avis de votre Parlement/Chambre sur la proposition relative à la réduction des contributions des États membres au budget de l'UE basées sur le RNB?**
- 1.4. Quelle est la position de votre Parlement/Chambre sur la proposition de la mise en place d'un nouveau système des ressources propres de l'UE, comprenant le régime relatif à la TVA modernisé et les taxes, notamment sur les émissions de dioxyde de carbone, le transport aérien, les bénéfices des sociétés, les transactions financières ou les produits énergétiques?**
- 1.5. Est-ce que votre Parlement/Chambre soutient les propositions de la Commission relatives à l'initiative Europe 2020 concernant les emprunts obligatoires pour le financement de projets?**
- 1.6. Est-ce que votre Parlement/Chambre est d'avis que le CFP 2014-2020 devrait permettre la mise en œuvre complète des objectifs de la stratégie Europe 2020, y compris le financement des initiatives visant à renforcer le marché unique? En cas de réponse négative, veuillez préciser les tâches/objectifs qui devraient être prioritaires et ceux qui pourraient être différer.**



**1.7. Selon votre Parlement/Chambre, quelle devrait être la structure des dépenses budgétaires de l'UE dans le CFP 2014-2020?**

**1.7.1. Est-ce qu'un transfert potentiel de fonds de la sous-rubrique 1b (Cohésion pour la croissance et l'emploi) vers la sous-rubrique 1a (Compétitivité) serait avantageux pour la cohésion économique, sociale et territoriale de tous les États membres?**

**1.8. Compte tenu de l'insuffisance des ressources budgétaires et de la nécessité de leur efficace utilisation, est-ce que votre Parlement/Chambre serait en faveur de l'adoption d'un principe selon lequel les fonds de l'UE non dépensés, au lieu de revenir aux États membres, seraient utilisés en tant que ressources propres de l'UE au cours des exercices futurs?**

## **Chapitre 2 : Les expériences parlementaires deux ans après l'entrée en vigueur du Traité de Lisbonne**

### **Questions:**

#### **2.1. Avis motivés**

**2.1.1. Combien d'avis motivés ont été adoptés dans votre Parlement/Chambre depuis l'entrée en vigueur du Traité de Lisbonne? Veuillez identifier les documents COM concernés.**

*Le Sénat français a adopté trois avis motivés sur les textes suivants :*

*-COM(2010) 76 : proposition de décision du Parlement européen et du Conseil établissant une action de l'Union européenne pour le label du patrimoine européen ;*

*-COM(2010) 486 : proposition modifiée de règlement du Parlement européen et du Conseil en ce qui concerne la distribution de denrées alimentaires aux personnes les plus démunies de l'Union ;*

*-COM(2010) 471 : proposition de décision du Parlement européen et du Conseil établissant le premier programme en matière de politique du spectre radio-électrique.*

**2.1.2. Combien d'avis motivés de votre Parlement/Chambre ont reçu des réponses de la part de la Commission européenne?**

*La Commission européenne a répondu aux trois avis motivés envoyés par le Sénat.*

**2.1.3. Est-ce que ces réponses ont été envoyées dans le délai de trois mois que la Commission a imposé à elle-même?**

*Deux réponses nous sont parvenues dans le délai de trois mois. Celle concernant le texte COM(2010) 471 a été envoyée dans un délai de cinq mois.*

**2.1.4. Est-ce que ces réponses étaient satisfaisantes? En cas de réponse négative, veuillez la motiver.**

*Oui*

**2.1.5. Pourriez-vous décrire comment les réponses de la Commission européenne ont été traitées par votre Parlement/Chambre?**

*Le contenu des réponses a été transmis aux sénateurs membres de la commission des affaires européennes.*

**2.1.6. Selon la connaissance de votre Parlement/Chambre, est-ce que les avis motivés ont été reflétés dans les projets d'actes législatifs de l'UE? En cas de réponse affirmative, veuillez indiquer des cas précis.**

*Non*

**2.1.7. Est-ce que votre Parlement/Chambre a continué le dialogue avec la Commission européenne portant sur le projet d'acte législatif après avoir reçu la réponse à l'avis motivé de la part de la Commission? En cas de réponse affirmative, veuillez indiquer les documents COM concernés.**

*Non*

**2.1.8. Est-ce que votre Parlement/Chambre considère la période de huit semaines prévue pour le contrôle de la subsidiarité comme suffisante pour examiner la proposition de la Commission, du point de vue de la subsidiarité et des autres aspects de la proposition?**

*Oui*

**2.1.9. Est-ce que votre Parlement/Chambre a jamais considéré l'absence de la base légale ou l'absence (ou bien l'insuffisance) de la justification de la subsidiarité dans les exposés des motifs comme une violation du principe de subsidiarité en adoptant, en conséquence, un avis motivé?**

*Les avis motivés concernant les textes COM(2010) 486 et COM(2010) 471 avaient pour objet de rappeler à la Commission européenne que l'absence de motivation des textes au regard du principe de subsidiarité n'était pas conforme à l'article 5 du protocole n°2 annexé au traité sur l'Union européenne et au traité sur le fonctionnement de l'Union européenne. Toutefois, dans les deux cas, le Sénat n'a pas conclu à une violation du principe de subsidiarité en tant que tel.*

**2.1.10. Quel est l'avis de votre Parlement/Chambre sur la qualité des analyses d'impact relatives aux projets d'actes législatifs de l'UE? Est-ce que les analyses d'impact relatives aux projets d'actes législatifs devraient être traduites intégralement vers toutes les langues officielles de l'UE?**

*Les analyses d'impact apportent un complément d'information qui peut être utile. La traduction de ces analyses dans toutes les langues officielles de l'UE serait une bonne chose.*

**2.1.11. Est-ce que le mécanisme interne de contrôle de la subsidiarité de votre Parlement/Chambre est satisfaisant jusqu'à présent? Est-ce que cette procédure a été modifiée à un stade? En cas de réponse affirmative, veuillez décrire les modifications.**

*Le mécanisme de contrôle de la subsidiarité en vigueur au sein du Sénat fonctionne de manière satisfaisante. Aucune modification n'est prévue.*

## **2.2. Dialogue politique informel**

### **2.2.1. Combien de contributions dans le cadre du dialogue politique informel avec la Commission européenne ont été envoyées par votre Parlement/Chambre à la Commission européenne depuis l'entrée en vigueur du Traité de Lisbonne? Veuillez indiquer les documents COM.**

*Depuis l'entrée en vigueur du traité de Lisbonne, soit depuis le 1<sup>er</sup> décembre 2009, le Sénat a envoyé dix contributions à la Commission européenne dans le cadre du dialogue politique informel. Les textes concernés sont les suivants :*

- COM(2009) 154 : Proposition de règlement du Parlement européen et du Conseil relatif à la compétence, la loi applicable, la reconnaissance et l'exécution des décisions et des actes authentiques en matière de successions et à la création d'un certificat successoral européen (**Test COSAC**)
- COM (2009) 624 : Livre vert relatif à l'obtention de preuves en matière pénale d'un État membre à l'autre et à la garantie de leur recevabilité
- COM (2009) 584 : Rapport de la Commission : Solutions possibles pour l'étiquetage en matière de bien-être animal et l'établissement d'un réseau européen de centres de référence pour la protection et le bien-être des animaux
- COM (2009) 490 : Communication de la Commission : Plan d'action pour la mobilité urbaine
- COM (2009) 611 : Proposition de règlement sur les enquêtes et la prévention des accidents et des incidents dans l'aviation civile
- COM (2009) 577 : Proposition de directive portant application de l'accord-cadre relatif à la prévention des blessures par objets tranchants dans le secteur hospitalier et sanitaire conclu par l'HOSPEEM et la FSESP
- COM (2011) 15 : Livre vert sur la modernisation de la politique de l'Union européenne en matière de marchés publics
- COM (2010) 608 : Communication de la Commission : « Vers un acte pour le marché unique » (**Ce texte a fait l'objet de deux contributions distinctes**)
- COM (2010) 672 : Communication de la Commission : « La PAC à l'horizon 2020 : alimentation, ressources naturelles et territoire - relever les défis de l'avenir »

### **2.2.2. Combien de réponses de la part de la Commission européenne ont été reçues par votre Parlement/Chambre?**

*Le Sénat a reçu des réponses en ce qui concerne les six premiers textes. Les autres contributions concernant les autres textes ont été envoyées en mai 2011.*

### **2.2.3. Est-ce que ces réponses étaient satisfaisantes? En cas de réponse négative, veuillez la motiver.**

*Oui*

**2.2.4. Pourriez-vous décrire comment les réponses de la Commission européenne relatives à vos contributions sont-elles traitées dans votre Parlement/Chambre?**

*Les réponses de la Commission européenne sont communiquées aux sénateurs membres de la commission des affaires européennes. Ceux-ci, s'ils l'estiment nécessaire, peuvent choisir de poursuivre le dialogue avec la Commission européenne à partir de la réponse de cette dernière.*

**2.2.5. Est-ce qu'il y avait des cas où votre Parlement/Chambre a continué le dialogue politique informel après avoir reçu la réponse de la part de la Commission européenne relative à une contribution? En cas de réponse affirmative, veuillez fournir une justification et indiquer les documents COM.**

*Aucune des réponses reçues n'a donné lieu à une poursuite du dialogue politique informel.*

**2.3. Contrôle parlementaire et actes délégués (Article 290 TFUE)**

**2.3.1 Veuillez décrire les avis de votre Parlement/Chambre relatifs aux propositions prévoyant des actes délégués (Article 290 TFUE)?**

*Le Sénat français n'a adopté aucune position officielle concernant les actes délégués tels que définis à l'article 290 TFUE.*

**2.3.1.1 Est-ce que votre Parlement/Chambre a des préoccupations au sujet des actes délégués (du fait que dans certains cas les éléments essentiels des actes législatifs de l'UE sont soumis à l'application de l'Article 290 TFUE)?**

**2.3.1.2 Est-ce que les éléments essentiels d'un acte délégué (les objectifs, le contenu, le champ d'application et la durée) sont décrits d'une manière appropriée dans les propositions pertinentes?**

**2.3.2 Est-ce que votre Parlement/Chambre prévoit une coopération possible avec les institutions de l'UE dans le cadre du suivi des actes délégués?**

## Germany: Bundestag

### CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy

#### Questions:

**1.1. Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?**

**1.1.1. If so, please specify the scope, procedure and timetable.**

**1.1.2. If not, does it intend to do so?**

The German Government has given first statements on the Commission's proposals. The European Union Affairs Committee of the Bundestag – being the committee responsible – has followed the working process closely from the beginning. During its meetings it has discussed different aspects of the MFF with the Government, the Commission and experts. Also in the ongoing process it will exercise its constitutional rights, in cooperation with the other committees participating in the deliberations, such as the Budget and the Finance Committee.

**1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?**

The Commission's proposal was published only at the end of June 2011. Parliamentary debates will continue in September. This is why no final position to this question has been taken yet. The topic, however, has been intensely discussed. The EU-committee debated the time scheme of the MFF at several meetings and held a hearing of legal experts in May during which this question was entered into as well.

**1.3. What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?**

Discussions concern the call for observing budgetary discipline. Income and expenses should be regarded in a context. A final decision has not been taken so far.

**1.4. What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?**

This topic has been discussed in the EU-committee and will still be discussed under various aspects, e. g. with regard to parliamentary responsibility. The majority parties have refused the possibility of a European tax in their coalition treaty.

**1.5. Does your Parliament/Chamber support the Commission's proposals on the Europe 2020 Project Bond initiative?**

The proposals have been looked into critically. Further deliberations have been consented.

- 1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.**

The financing of the new tasks within the Europe 2020 Strategy has been discussed on several occasions by the Bundestag. Deliberations on this topic still continue.

- 1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?**

Some aspects have already been discussed, but debates continue.

- 1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States?**

This subject was discussed at the hearing held by the EU-committee in May. A final position has not yet been adopted.

- 1.8. Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources?**

Please refer to 1.7.1

## **CHAPTER 2: Two years after the entry into force of the Treaty of Lisbon - parliamentary experience**

### **Questions:**

#### **2.1. Reasoned opinions**

- 2.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned.**

The Bundestag adopted one reasoned opinion concerning COM(2010)368 final in October 2010.

- 2.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission?**

The Bundestag received one reply from the European Commission to the reasoned opinion mentioned above.

**2.1.3. Were those replies sent within the Commission self-imposed time-limit of three months?**

No. The reasoned opinion was sent to the European Commission on 8 October 2010, the Bundestag received the reply on 1 April 2011.

**2.1.4. Were those replies satisfactory? If not, please indicate why.**

The reply was satisfactory.

**2.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber?**

The MPs of the specialised Committees concerned are actively informed if the Bundestag receives a reply by the Commission. Besides, every MP has the opportunity to read the replies.

**2.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases.**

The Bundestag has sent in one reasoned opinion on the Proposal for a Directive on Deposit Guarantee Schemes [recast], COM(2010)368 final. The legislation process has not been concluded.

**2.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving the Commission's reply to a reasoned opinion? If so, please indicate the COM documents.**

No.

**2.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal?**

The eight-week period is not a sufficient period to examine all aspects of a Commission legislative proposal.

**2.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion?**

The reasoned opinion concerning COM(2010)368 final criticised the breach of the principle of subsidiarity and proportionality. Insufficient justification was not

mentioned explicitly. Nevertheless many MPs criticise that the subsidiarity justification in most legislative proposals is not helpful.

**2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages?**

The Bundestag criticised several times that impact assessments are only available in English and French. Because of their importance for parliamentary and legislative deliberation impact assessments should be translated into all working languages.

**2.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications.**

The internal subsidiarity control mechanism has been satisfactory so far. It was modified in 2010. It is now foreseen that the EU-affairs Committee can give its opinion to every subsidiarity check.

## **2.2. Informal political dialogue**

**2.2.1. How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to the European Commission since the entry into force of the Treaty of Lisbon? Please specify the COM documents.**

The Bundestag has sent approximately 9 contributions to the European Commission. The most recent contributions were related to COM(2010)348, COM(2010)624 and COM(2010)779.

**2.2.2. How many contributions did your Parliament/Chamber receive replies to from the European Commission?**

The Bundestag received replies from the Commission to 2 of the 3 contributions specified in 2.2.1.

**2.2.3. Were those replies satisfactory? If not, please indicate why.**

No, the answers were conceived in general terms.

**2.2.4. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber?**

Please refer to 2.1.5.

**2.2.5. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a**



contribution? If so, please provide the underlying reasons and specify the COM documents.

No.

### **2.3. Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

**2.3.1 Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?**

Discussions expressed the concern that the delegation of power may weaken national parliaments. The involvement of the Bundestag should be provided by the national law.

**2.3.1.1 Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)?**

Please refer to 2.3.1.

**2.3.1.2 Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?**

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**2.3.2 Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?**

Cooperation takes place in the given framework, a special provision or procedure is not foreseen up to now.

## Germany: Bundesrat

### CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy

#### Questions:

**1.1. Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?**

**1.1.1. If so, please specify the scope, procedure and timetable.**

*The Bundesrat adopted detailed Opinions on the "Communication from the Commission: 'Reforming the budget, changing Europe' – Public consultation in view of the 2008/2009 budget review - SEC (2007) 1188 final" on 14th March 2008 and on the Communication from the Commission: The EU Budget Review (COM (2010) 700 final)" on 17th December 2010. The Federal Government was required to take these Opinions into account in devising its negotiating position. Both Resolutions were also sent directly to the Commission under the aegis of informal political dialogue.*

*In addition, the federal states have also repeatedly discussed these issues with the Federal Government in the context of the Conference of the Länder Ministers for European Affairs.*

*After the parliamentary summer recess the Bundesrat will engage in intensive deliberations on the Commission's proposals for the Multi-Annual Financial Framework from 2014 to 2020, tabled on 29th June 2011.*

**1.1.2. If not, does it intend to do so?**

**1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?**

*In its Opinion from 17th December 2010 concerning the Commission Communication on the EU Budget Review, the Bundesrat advocated that future Financial Frameworks should also cover seven-year periods. This time-frame has proved effective for the Structural Funds programmes and for other EU funding programmes and would also dovetail with the time-frame for the current Europe 2020 Strategy. Introducing shorter periods for the Financial Framework would, in contrast, unnecessarily increase the effort required to reach agreements and for administration, and would render planning more uncertain. These disadvantages outweigh the possible benefits of synchronising the MFF with the terms of office of the Commission and the European Parliament.*

**1.3. What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?**

*The Bundesrat has to date not commented on this issue.*

- 1.4. What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?**

*In the aforementioned Opinions of 14th March 2008 and 17th December 2010 the Bundesrat took the stance that traditional own resources (in particular customs duties) should continue to accrue to the EU. In its Opinion of 14th March 2008 the Bundesrat rejected the alternative of a tax-based revenue source for own resources.*

- 1.5. Does your Parliament/Chamber support the Commission's proposals on the Europe 2020 Project Bond initiative?**

*In its Opinion of 17th December 2010 the Bundesrat advocated investigating ways to find additional private funding for appropriate projects. In this context new funding instruments or if appropriate project-related loans could be considered. Issuing loans of this type and providing surety and guarantees would be a task for the EIB, national banks, private-sector banks or consortia including the EIB, but not for other EU institutions. The ceilings on expenditure and the prohibition on incurring debt must not be watered down.*

- 1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.**

*In its 17th December 2010 Opinion, the Bundesrat emphasised that it supports the Commission's endeavours to concentrate on the EU's political priorities and in so doing to focus in particular on implementation of the Europe 2020 strategy. In the light of the relatively limited volume of the EU budget, which amounts to roughly one percent of EU GDP, a policy of EU expenditure cannot and should not constitute the main instrument for macro-economic management and for implementation of the Europe 2020 strategy. In this respect coordination of the economic policies of the Member States and regions, and completion of the legal framework at the EU level – both of course with due respect for the powers and responsibilities of the Member States – is of greater importance.*

- 1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?**

- 1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States?**

*In its 17th December 2010 Opinion, the Bundesrat emphasised that it sees no reason to reduce the number of headings to three broad headings. In the aforementioned Opinion the Bundesrat also underscored the need to ensure that regional competitiveness and employment are promoted across the EU in keeping with the strictures of sustainability as essential components of cohesion policy; in this context*

*fostering research, innovation and qualification, and supporting measures to mitigate climate change play an important role.*

- 1.8. Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources?**

*To date the Bundesrat has not commented on this issue.*

## **CHAPTER 2: Two years after the entry into force of the Treaty of Lisbon - parliamentary experience**

### **2.1. Reasoned opinions**

- 2.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned.**

*Since the entry into force of the Treaty of Lisbon, the Bundesrat has so far adopted two reasoned Opinions. The Bundesrat has identified violations of the subsidiarity principle in respect of the Member State initiative on the European Protection Order (PE-CONS 2/10) and the Commission proposal for a directive on deposit guarantee schemes (COM (2010)368 final).*

- 2.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission?**

*The Commission transmitted a detailed response to the Bundesrat concerning the reasoned opinion on the proposal for a directive on deposit guarantee schemes.*

- 2.1.3. Were those replies sent within the Commission self-imposed time-limit of three months?**

*The Bundesrat did not receive the response from the Commission referred to in 2.1.2. within the 3-month time limit.*

- 2.1.4. Were those replies satisfactory? If not, please indicate why.**

*On the basis of the Commission's response the Bundesrat's Committee on EU Questions did not consider that there was a need to recommence deliberations on the draft legislation in question.*

- 2.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber?**

*The Commission's responses to reasoned Opinions from the Bundesrat are reprinted as Bundesrat Official Documents. In the next committee meeting after*

*receipt of a Commission response, the Committee on EU Questions addresses the issue of whether deliberations on the draft legislation in question should be re-opened in the light of the Commission's response. In each instance the relevant rapporteur circulates a proposal to the Committee on EU Questions on how to proceed.*

- 2.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases.**

*In its response to the Bundesrat's reasoned Opinion on the proposal for a directive on the deposit guarantee scheme, the Commission initially assumed that the Commission's reply provided a sufficient response to the questions raised by the Bundesrat.*

*During deliberations on the draft directive in the Committee of Permanent Representatives, Part 2, on 17th June 2011, the Commission however ultimately agreed to a compromise proposal from the Federal Government; this envisaged, inter alia, that voluntary deposit guarantee schemes providing protection extending above the 100,000 Euro cut-off point should to a large extent not fall within the scope of the directive. This in essence corresponded to a key demand formulated in the Bundesrat's reasoned Opinion on the draft directive.*

- 2.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving the Commission's reply to a reasoned opinion? If so, please indicate the COM documents.**

*As already noted in 2.1.4., the Committee on EU Questions did not consider that there was a need for continued dialogue with the Commission in respect of the only instance to date of a Bundesrat reasoned Opinion on a Commission proposal.*

- 2.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal?**

*The 8-week time limit for the subsidiarity check and adoption of a reasoned opinion has not to date caused any problems in the Bundesrat's procedures for deliberations.*

- 2.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion?**

*In the case of the reasoned Opinion on the Member State initiative for the European Protection Order cited under 2.1.1., the Bundesrat noted that there were considerable doubts as to whether the draft directive could be based on the legal basis envisaged. For that reason the Bundesrat decided to submit a reasoned Opinion concerning this initiative.*

**2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages?**

*In its Opinion of 11th February 2011 on the Commission Work Programme 2011 (COM (2010) 623 final), the Bundesrat noted the increasingly important role of the Impact Assessment Board when Commission proposals are adopted. However in this context the Bundesrat once again expressed concern that the Commission continues to resist the idea of arranging for external quality appraisal of impact assessments by an objective body outside the Commission.*

*In its Opinion on the "Commission Communication: Smart Regulation in the European Union (COM (2010) 543 final)" of 26th November 2010, the Bundesrat expressed support for the Commission's plans to ensure that those affected and other stakeholders are more involved in the legislative process in future and to improve the transparency of impact assessment procedure by developing roadmaps, whilst also extending this system to include all draft legislation likely to have a "significant" impact. However, the Bundesrat once again criticised the fact that despite repeated requests the Commission continues to insist on conducting impact assessments only for draft legislation with a "significant" impact. The Bundesrat pointed out that the extent and nature of the likely impact only becomes clear when an impact assessment is carried out. The Bundesrat therefore takes the view that each new legislative proposal should comprise a clear indication of the associated impact – particularly in respect of administrative burdens for the bodies involved in decision-making and administration at various levels.*

*In the Opinion on the Commission Work Programme 2010 (COM (2010) 135 final) the Bundesrat emphasised that complete and timely translation of all politically relevant EU documents (including translation into German) plays a decisive role in ensuring that the Bundesrat is able to exercise its new rights of participation effectively. The Bundesrat stated explicitly that this also includes translation of annexes and working papers comprising politically significant information. The Bundesrat encourages efforts to develop flexible solutions for all other translations of EU documents that do not fall within the purview of the full language regime yet for which a particular need for deliberations has been identified by a national parliament. That would make it possible to transpose the positive experiences gleaned with the introduction in 2004 of the market model for interpretation in certain Council working groups to the system for translating EU documents outside the scope of the full language regime.*

**2.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications.**

*The subsidiarity scrutiny mechanism in the Bundesrat has proved effective. Modifications are not envisaged at present.*



## **2.2. Informal political dialogue**

- 2.2.1. How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to the European Commission since the entry into force of the Treaty of Lisbon? Please specify the COM documents.**

*Since December 2009 the Bundesrat has sent 44 Opinions directly to the Commission. The Commission proposals in question are enumerated in the appended annex.*

- 2.2.2. How many contributions did your Parliament/Chamber receive replies to from the European Commission?**

*To date the Commission has sent 24 replies.*

- 2.2.3. Were those replies satisfactory? If not, please indicate why.**

*The Committee on EU Questions did not consider that there was a need to recommence deliberations in any of the cases cited in 2.1.5.*

- 2.2.4. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber?**

*The Commission's replies in the context of informal political dialogue are dealt with in the same way as Commission responses to reasoned Opinions. Please refer to 2.1.5. for details of the procedure.*

- 2.2.5. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a contribution? If so, please provide the underlying reasons and specify the COM documents.**

*As already indicated under 2.2.3., the Bundesrat has to date not considered that there was a need to continue informal political dialogue after receiving the Commission's replies.*

## **2.3. Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

- 2.3.1 Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?**

**2.3.1.1 Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)?**

**2.3.1.2 Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?**

*In the case of a series of legislative proposals, including the adaptation of legislation to take account of the distinction between delegated acts and implementing acts introduced pursuant to Articles 290 und 291 TFEU, the Bundesrat has criticised the fact that the respective Commission proposals envisaged according the Commission powers to enact delegated acts pursuant to Article 290 TFEU even in cases in which the Bundesrat's considers that harmonised provisions for the implementation of EU legislation are required or in cases addressing certain provisions of essential importance for Member States. This was the case for example for the draft Regulation on marketing standards (COM (2010) 738 final), the draft Regulation on a common organisation of agricultural markets (COM (2010) 799 final) and the draft Regulation on organic production and labelling of organic products (COM (2010) 759 final).*

*For that reason the Bundesrat resumed deliberations on the "Communication from the Commission: Implementation of Article 290 of the Treaty on the Functioning of the European Union (COM (2009) 673 final)" on 18th March 2011 and adopted the appended Additional Resolution, which was also sent directly to the Commission. In this Resolution the Bundesrat noted inter alia that in respect of Commission proposals to date on adapting EU Regulations to the Treaty of Lisbon, the provisions envisaged concerning the transfer of powers to adopt delegated acts had so far often not complied with the requirement that this should be limited in terms of the scope of the subject-matter and/or time-frame for which such a system should apply. In addition, in many instances powers to adopt provisions through the instrument of delegated acts were envisaged in cases in which there was a need for uniform provisions for implementing EU legislation or concerning certain provisions of essential importance for the Member States. The Bundesrat also noted that this did not take the provisions of the Treaty of Lisbon into account to a sufficient extent. In addition there was a lack of consistency in the decisions to opt for a delegated act or an implementing act.*

**2.3.2 Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?**

*To date the Bundesrat has not commented on possible cooperation with the EU institutions on monitoring of delegated acts. However in its first Opinion on the Commission Communication on implementation of Article 290 TFEU (COM (2009) 673 final) of 12th February 2010, the Bundesrat welcomed the fact that in the aforementioned Communication the Commission indicated that it intended to continue consulting experts from the national authorities of all Member States on a systematic basis and to set up expert groups to that end and/or work with existing expert groups. The Bundesrat also emphasised that the EU legislator must continue to assume responsibility for democratic oversight of delegated acts. The Bundesrat therefore called on the Federal Government to endeavour in negotiations in the Council to ensure that this scope for oversight be utilised to the full.*



## **Annex:**

Mitteilung der Kommission der Europäischen Gemeinschaften an das Europäische Parlament, den Rat, den Europäischen Wirtschafts- und Sozialausschuss und den Ausschuss der Regionen: Aktionsplan urbane Mobilität  
KOM(2009) 490 endg.; Ratsdok. 14030/09

Mitteilung der Kommission der Europäischen Gemeinschaften an das Europäische Parlament, den Rat, den Europäischen Wirtschafts- und Sozialausschuss und den Ausschuss der Regionen - "An die Zukunft denken: Entwicklung einer gemeinsamen EU-Strategie für Schlüsseltechnologien"  
KOM(2009) 512 endg.; Ratsdok. 13000/09

Mitteilung der Kommission der Europäischen Gemeinschaften an den Rat und das Europäische Parlament: Aktionsprogramm zur Verringerung der Verwaltungslasten der EU - branchenspezifische Pläne zur Verringerung der Verwaltungslasten und Maßnahmen für das Jahr 2009  
KOM(2009) 544 endg.; Ratsdok. 15019/09

Grünbuch der Kommission der Europäischen Gemeinschaften zur Europäischen Bürgerinitiative  
KOM(2009) 622 endg.; Ratsdok. 16195/09

Mitteilung der Europäischen Kommission an das Europäische Parlament und den Rat: Umsetzung von Artikel 290 des Vertrags über die Arbeitsweise der Europäischen Union  
KOM(2009) 673 endg.

Grünbuch der Kommission zur Erlangung verwertbarer Beweise in Strafsachen aus einem anderen Mitgliedstaat  
KOM(2009) 624 endg.; Ratsdok. 17691/09

Mitteilung der Kommission:  
EUROPA 2020 - Eine Strategie für intelligentes, nachhaltiges und integratives Wachstum  
KOM(2010) 2020

Bericht der Kommission der Europäischen Gemeinschaften über die Anwendung der Grundsätze der Subsidiarität und der Verhältnismäßigkeit (16. Bericht "Bessere Rechtsetzung" 2008)  
KOM(2009) 504 endg.; Ratsdok. 13879/09  
Anlage zu Frage 2.2.1.

Mitteilung der Kommission der Europäischen Gemeinschaften an das Europäische Parlament und den Rat: Europäische Agenturen - Mögliche Perspektiven  
KOM(2008) 135 endg.; Ratsdok. 7972/08

Mitteilung der Kommission an das Europäische Parlament, den Rat, den Europäischen Wirtschafts- und Sozialausschuss und den Ausschuss der Regionen: Arbeitsprogramm der Kommission für 2010 - Jetzt handeln

KOM(2010) 135 endg.

Mitteilung der Kommission an das Europäische Parlament, den Rat, den Europäischen Wirtschafts- und Sozialausschuss und den Ausschuss der Regionen:  
Ein Raum der Freiheit, der Sicherheit und des Rechts für die Bürger Europas -  
Aktionsplan zur Umsetzung des Stockholmer Programms  
KOM(2010) 171 endg.; Ratsdok. 8895/10

Vorschlag für eine Empfehlung des Rates über die Grundzüge der Wirtschaftspolitik der Mitgliedstaaten und der Union: Teil I der integrierten Leitlinien zu Europa 2020  
SEK(2010) 488 endg.

Vorschlag für einen Beschluss des Rates über Leitlinien für beschäftigungspolitische Maßnahmen der Mitgliedstaaten: Teil II der integrierten Leitlinien zu Europa 2020  
KOM(2010) 193 endg.

Grünbuch der Kommission: Corporate Governance in Finanzinstituten und Vergütungspolitik  
KOM(2010) 284 endg.

Vorschlag für eine Verordnung des Europäischen Parlaments und des Rates über die Haushaltsordnung für den Gesamthaushaltsplan der Europäischen Union (Neufassung)  
KOM(2010) 260 endg.

Vorschlag für eine Richtlinie des Europäischen Parlaments und des Rates über Einlagensicherungssysteme (Neufassung)  
KOM(2010) 368 endg.

Weißbuch der Kommission: Sicherungssysteme für Versicherungen  
KOM(2010) 370 endg.

Vorschlag für eine Richtlinie des Europäischen Parlaments und des Rates über die Bedingungen für die Einreise und den Aufenthalt von Drittstaatsangehörigen im Rahmen einer konzerninternen Entsendung  
KOM(2010) 378 endg.; Ratsdok. 12211/10

Vorschlag für eine Richtlinie des Europäischen Parlaments und des Rates über die Bedingungen für die Einreise und den Aufenthalt von Drittstaatsangehörigen zwecks Ausübung einer saisonalen Beschäftigung  
KOM(2010) 379 endg.; Ratsdok. 12208/10

Grünbuch der Kommission:  
Angemessene, nachhaltige und sichere europäische Pensions- und Rentensysteme  
KOM(2010) 365 endg.

Vorschlag für eine Verordnung des Europäischen Parlaments und des Rates zur Änderung der Verordnung (EG) Nr. 1698/2005 über die Förderung der Entwicklung des ländlichen Raums durch den Europäischen Landwirtschaftsfonds für die Entwicklung des ländlichen Raums (ELER)

KOM(2010) 537 endg.; Ratsdok. 14344/10

Vorschlag für eine Verordnung des Europäischen Parlaments und des Rates zur Änderung der Verordnung (EG) Nr. 73/2009 des Rates mit gemeinsamen Regeln für Direktzahlungen im Rahmen der gemeinsamen Agrarpolitik und mit bestimmten Stützungsregelungen für Inhaber landwirtschaftlicher Betriebe

KOM(2010) 539 endg.; Ratsdok. 14306/10

Mitteilung der Kommission an das Europäische Parlament, den Rat, den Europäischen Wirtschafts- und Sozialausschuss und den Ausschuss der Regionen: Intelligente Regulierung in der Europäischen Union

KOM(2010) 543 endg.

Grünbuch der Kommission: Optionen für die Einführung eines Europäischen Vertragsrechts für Verbraucher und Unternehmen

KOM(2010) 348 endg.

Mitteilung der Kommission an das Europäische Parlament, den Rat, den Europäischen Wirtschafts- und Sozialausschuss, den Ausschuss der Regionen und die nationalen Parlamente: Überprüfung des EU-Haushalts

KOM(2010) 700 endg.

Mitteilung der Kommission an das Europäische Parlament, den Rat, den Europäischen Wirtschafts- und Sozialausschuss und den Ausschuss der Regionen: Die GAP bis 2020: Nahrungsmittel, natürliche Ressourcen und ländliche Gebiete - die künftigen Herausforderungen

KOM(2010) 672 endg.

Mitteilung der Kommission an das Europäische Parlament, den Rat, den Europäischen Wirtschafts- und Sozialausschuss und den Ausschuss der Regionen: Arbeitsprogramm der Kommission für 2011

KOM(2010) 623 endg.

Mitteilung der Kommission an das Europäische Parlament, den Rat, den Europäischen Wirtschafts- und Sozialausschuss und den Ausschuss der Regionen: Auf dem Weg zu einer Binnenmarktakte - Für eine in hohem Maße wettbewerbsfähige soziale Marktwirtschaft - 50 Vorschläge, um gemeinsam besser zu arbeiten, zu unternehmen und Handel zu treiben

KOM(2010) 608 endg.

Mitteilung der Kommission an das Europäische Parlament, den Rat, den Europäischen Wirtschafts- und Sozialausschuss und den Ausschuss der Regionen: Gesamtkonzept für den Datenschutz in der Europäischen Union

KOM(2010) 609 endg.

Mitteilung der Kommission an das Europäische Parlament, den Rat, den Europäischen Wirtschafts- und Sozialausschuss und den Ausschuss der Regionen: Strategie der Europäischen Union für den Donauraum

KOM(2010) 715 endg.

Mitteilung der Europäischen Kommission an das Europäische Parlament und den Rat:  
Umsetzung von Artikel 290 des Vertrags über die Arbeitsweise der Europäischen Union  
KOM(2009) 673 endg.

Mitteilung der Kommission an das Europäische Parlament, den Rat, den Europäischen Wirtschafts- und Sozialausschuss und den Ausschuss der Regionen:  
Europäische Plattform gegen Armut und soziale Ausgrenzung - Ein europäischer Rahmen für den sozialen und territorialen Zusammenhalt  
KOM(2010) 758 endg.

Grünbuch der Kommission über die Modernisierung der europäischen Politik im Bereich des öffentlichen Auftragswesens: Wege zu einem effizienten europäischen Markt für öffentliche Aufträge  
KOM(2011) 15 endg.

Vorschlag für eine Empfehlung des Rates für politische Strategien zur Senkung der Schulabbrecherquote  
KOM(2011) 19 endg.

Vorschlag für eine Richtlinie des Europäischen Parlaments und des Rates über die Verwendung von Fluggastdatensätzen zu Zwecken der Verhütung, Aufdeckung, Aufklärung und strafrechtlichen Verfolgung von terroristischen Straftaten und schwerer Kriminalität  
KOM(2011) 32 endg.; Ratsdok. 6007/11

Mitteilung der Kommission an das Europäische Parlament, den Rat, den Europäischen Wirtschafts- und Sozialausschuss und den Ausschuss der Regionen:  
Jahreswachstumsbericht - Gesamtkonzept der EU zur Krisenbewältigung nimmt weiter Gestalt an  
KOM(2011) 11 endg.; Ratsdok. 18066/10

Grünbuch der Kommission: Weniger Verwaltungsaufwand für EU-Bürger - Den freien Verkehr öffentlicher Urkunden und die Anerkennung der Rechtswirkung von Personenstandsurkunden erleichtern  
KOM(2010) 747 endg.

Grünbuch der Kommission: Von Herausforderungen zu Chancen - Entwicklung einer gemeinsamen Strategie für die EU-Finanzierung von Forschung und Innovation  
KOM(2011) 48 endg.

Mitteilung der Kommission an das Europäische Parlament, den Rat, den Europäischen Wirtschafts- und Sozialausschuss und den Ausschuss der Regionen:  
Eine bessere Governance für den Binnenmarkt mittels verstärkter administrativer Zusammenarbeit - Eine Strategie für den Ausbau und die Weiterentwicklung des Binnenmarkt-Informationssystems (Internal Market Information System/IMI)  
KOM(2011) 75 endg.

Mitteilung der Kommission an das Europäische Parlament, den Rat, den Europäischen Wirtschafts- und Sozialausschuss und den Ausschuss der Regionen:

Reform der EU-Beihilfevorschriften über Dienstleistungen von allgemeinem wirtschaftlichen Interesse  
KOM(2011) 146 endg.

Weißbuch der Kommission: Fahrplan zu einem einheitlichen europäischen Verkehrsraum - Hin zu einem wettbewerbsorientierten und ressourcenschonenden Verkehrssystem  
KOM(2011) 144 endg.

Grünbuch der Kommission: Online-Glücksspiele im Binnenmarkt  
KOM(2011) 128 endg.

Vorschlag für eine Richtlinie des Europäischen Parlaments und des Rates über Wohnimmobilienkreditverträge  
KOM(2011) 142 endg.

Grünbuch der Kommission: Europäischer Corporate Governance-Rahmen  
KOM(2011) 164 endg.

Mitteilung der Kommission an das Europäische Parlament, den Rat, den Europäischen Wirtschafts- und Sozialausschuss und den Ausschuss der Regionen: Schutz der finanziellen Interessen der Europäischen Union durch strafrechtliche Vorschriften und verwaltungsrechtliche Untersuchungen - Gesamtkonzept zum Schutz von Steuergeldern KOM(2011) 293 endg.

18.03.11

## Beschluss des Bundesrates

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### **Mitteilung der Europäischen Kommission an das Europäische Parlament und den Rat: Umsetzung von Artikel 290 des Vertrags über die Arbeitsweise der Europäischen Union KOM(2009) 673 endg.**

Der Bundesrat hat in seiner 881. Sitzung am 18. März 2011 gemäß §§ 3 und 5 EUZBLG die folgende Stellungnahme beschlossen:

1. Der Bundesrat stellt fest, dass die Übertragungen der Befugnis zum Erlass delegierter Rechtsakte (Artikel 290 AEUV) in den bisherigen Vorschlägen der Kommission zur Anpassung von EU-Verordnungen an den Vertrag von Lissabon regelmäßig nicht den Bedingungen einer inhaltlichen und/oder zeitlichen Begrenzung genügen. Nummer 3 der Mitteilung der Kommission (KOM(2009) 673 endg.) sieht hierzu hinreichend klare inhaltliche und zeitliche Grenzen der Befugnisübertragung vor. Zudem werden vielfach Befugnisse im Wege von delegierten Rechtsakten in Fällen vorgesehen, bei denen eine Notwendigkeit einheitlicher Bedingungen für die Durchführung von EU-Rechtsakten besteht oder bestimmte für die Mitgliedstaaten wesentliche Vorschriften geregelt werden. Dies trägt den Vorgaben des Vertrags von Lissabon nicht ausreichend Rechnung.
2. Zudem vermisst der Bundesrat bei der Wahl zwischen delegierten Rechtsakten und Durchführungsrechtsakten (Artikel 291 AEUV) eine einheitliche Vorgehensweise, um eine einheitliche Umsetzung der mit dem Vertrag von Lissabon

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\*) Erster Beschluss des Bundesrates vom 12. Februar 2010, BR-Drucksache 875/09 (Beschluss)

geänderten Möglichkeiten in allen EU-Rechtsakten zu gewährleisten.

Der Bundesrat bekräftigt seine Auffassung, dass grundsätzlich in den Fällen die Befugnis zum Erlass von delegierten Rechtsakten vorgesehen werden kann, die bisher unter das Regelungsverfahren mit Kontrolle fielen, da die Definition delegierter Rechtsakte in Artikel 290 Absatz 1 AEUV weitgehend der Definition dieser Rechtsakte entspricht. Sofern bestimmte nicht wesentliche Vorschriften im Wege von delegierten Rechtsakten festgelegt werden, sollen diese regelmäßig erst nach vorheriger Anhörung von Experten aus den Mitgliedstaaten erlassen werden. Geäußerte Bedenken sollte die Kommission ernsthaft prüfen und gegebenenfalls ihren Vorschlag entsprechend anpassen oder schlüssig darlegen, warum sie diesen Bedenken nicht folgt. Umgekehrt ist bei den anderen Verfahren des Komitologie-Beschlusses in der Regel eine Ersetzung durch Durchführungsrechtsakte indiziert.

3. Der Bundesrat bekräftigt seine zur "Mitteilung der Europäischen Kommission an das Europäische Parlament und den Rat: Umsetzung von Artikel 290 des Vertrags über die Arbeitsweise der Europäischen Union" am 12. Februar 2010 angenommene Stellungnahme (BR-Drucksache 875/09 (Beschluss)). Er weist nochmals darauf hin, dass die Entscheidung über die Dauer der Befugnisdelegation gemäß Artikel 290 AEUV in den Ermessensspielraum des EU-Gesetzgebers fällt. Dieser hat im Einzelfall zu prüfen, ob die von der Kommission gewünschte unbefristete Befugnisübertragung sinnvoll erscheint. Der Bundesrat stellt nochmals ausdrücklich fest, dass Auslauf- oder Überprüfungsklauseln nicht nur gängige Bestandteile der europäischen Rechtsetzung, sondern auch wirksame Mittel zur allgemeinen Rechtsbereinigung und Entbürokratisierung sind. Die von der Kommission gewünschte vollständige Entfristung als Regelfall der Befugnisdelegation würde jedenfalls der Grundintention des Artikels 290 Absatz 1 Unterabsatz 2 AEUV widersprechen, Delegationen nur auf begrenzte Dauer zu vergeben. Sollte im Einzelfall eine unbefristete Befugnisübertragung sinnvoll erscheinen, sollte diese jedenfalls hinreichend begründet werden.

4. Der Bundesrat übermittelt diese Stellungnahme direkt an die Kommission.

## Greece: Vouli Ton Ellinon

### CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy

#### Questions:

#### **1.1. Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?**

##### **1.1.1. If so, please specify the scope, procedure and timetable.**

The competent committees of the Hellenic Parliament follow closely our government's position in the negotiation that has just been initiated. In this context, the committee for European Affairs of the Hellenic Parliament held its first meeting on this topic, on July 7, 2011, after the publication of the Commission's Proposals. The alternate minister for Foreign Affairs, competent for European Affairs, Mrs Mariliza Xenogiannakopoulou gave an account of the governments' first reactions on the proposals, its' positions and envisaged steps. Another joint meeting with the Committee for Trade and Production, which followed shortly, focused on the multiannual budgetary framework of the Common Agricultural Policy.

Another joint meeting with other committees of joint competence will take place probably at the end of September, where the competent Ministers will report on developments and progress of discussions.

##### **1.1.2. If not, does it intend to do so?**

#### **1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?**

As is was pointed out during the afore mentioned discussions, the Hellenic Parliament is in favour of the seven year period instead of the five year, as it coincides with the Europe 2020 growth strategy and therefore the MFF would better correspond to its targets. Further more, the prolongation of the MFF's duration from 5 to 7 years ensures flexibility in the mobilisation of resources.

#### **1.3. What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?**

There is a broad agreement among our MPs, that the old system which is primarily based on state contributions should be modernised and enriched with additional tools and resources, in order to obtain a budget that can sufficiently respond to the needs and critical challenges that Europe is facing today.

Accordingly, proposals such as the elimination of traditional own resources system and the establishment of the tax on financial transactions and the reformed VAT are viewed positively, as ensuring the autonomy of the Union's budget.

#### **1.4. What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?**



See above.

**1.5. Does your Parliament/Chamber support the Commission's proposals on the Europe 2020 Project Bond initiative?**

Our Parliament supports this initiative, as it is considered the only means to attract private investors and encourage growth. However some Members voiced scepticism over the creation of one independent fund (the Connecting Europe Facility which provides for the use of innovative financing tools such as project bonds) and the possible transfer of resources by the Cohesion Fund for its financing. They feared that overlapping mechanisms would be created.

**1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.**

Our Parliament's initial reaction towards the Commission's proposals regarding the financing of Europe 2020 strategy goals was positive. However the current economic crisis has resulted in reducing public expenditure. For countries like Greece sufficient financing for growth and enhancement of its participation in the single market has become almost impossible. In this context, EU action is essential.

**1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?**

The proposal of the European Commission concerning the structure of the EU budgetary expenditure, is viewed positively in general as a basis for negotiation. Among the comments made during our Committees meeting we would like to point out the following:

- Provisions regarding home affairs' funds are still inadequate, even though there is a slight increase in relation to the current multiannual framework.
- The proposal for establishment of transition regions (regarding the cohesion fund) has been seen positively
- The proposed reduction of financing the two pillars of CAP by 12,5 % and by 6,7% , respectively, is considered as very high, in proportion to the accrued needs. On the contrary, the extension of the European Globalization Fund in order to support farmers adapting at new market conditions is deemed fair.

**1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States?**

This distinction was not very clear at the Commission's communication and has not been raised at the discussions.

**1.8. Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting**

**a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources?**  
Neither this point has been discussed yet.

## **CHAPTER 2: Two years after the entry into force of the Treaty of Lisbon - parliamentary experience**

### **Questions:**

#### **2.1. Reasoned opinions**

**2.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned.**

Our Parliament has not endorsed any reasoned opinion so far.

**2.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission?**

**2.1.3. Were those replies sent within the Commission self-imposed time-limit of three months?**

**2.1.4. Were those replies satisfactory? If not, please indicate why.**

**2.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber?**

**2.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases.**

**2.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving the Commission's reply to a reasoned opinion? If so, please indicate the COM documents.**

**2.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal?**

The 8-week period seems adequate for our examination.

**2.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion?**

So far we haven't encountered any problem concerning the legal basis justification of legislative proposals.

**2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages?**

The impact assessments always advocate the Commission's standpoint and therefore they are not considered as crucial during our examination process, compared to other documents such as public consultation results or opinions of other institutions. Their translated summaries sufficiently satisfy the need for information and transparency.

**2.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications.**

There have not been any significant modifications in our subsidiarity control mechanism. We try, however, to improve our information channels with the government as well as with civil society institutions, in order to collect timely their views and comments.

## **2.2. Informal political dialogue**

**2.2.1. How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to the European Commission since the entry into force of the Treaty of Lisbon? Please specify the COM documents.**

Since December 2009, the Committee for European Affairs, acting jointly with other competent sectoral committees, has issued 10 contributions regarding legislative proposals of the European Commission or the European Council, as well as communications.

The relevant document numbers are:

2010/0801/COD, 2010/0802/COD, COM/2009/154, COM/2010/392, COM2010/289, Com/2010/375, COM/2011/748, COM/2010/119, COM/2010/672, COM/2010/776.

During the same period it has also participated in two public consultations (Green Books).

**2.2.2. How many contributions did your Parliament/Chamber receive replies to from the European Commission?**

Five replies have been received (The difference in number of contribution and replies is explained by the fact that two opinions were primarily directed towards the Council, one did not contain detailed comments, one dealt with a communication and finally one is still expected).

**2.2.3. Were those replies satisfactory? If not, please indicate why.**

The replies are satisfactory covering in detail every observation and comment.

**2.2.4. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber?**

The Commission's replies are sent to the members of Committees that issued the contribution and the competent Ministry.

- 2.2.5. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a contribution? If so, please provide the underlying reasons and specify the COM documents.**

Not yet.

### **2.3. Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

- 2.3.1 Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?**

This has been a matter of debate among EU Affairs Committee Members. The majority of them believe that delegated acts enhance the powers of democratically elected bodies, such as the EP and the Council, against comitology. On the contrary, other members argue that in some cases the scope of competence referred to the European Commission by delegated acts is of significant nature and therefore they detect possible breaches of the proportionality principle.

- 2.3.1.1 Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)?**

See above.

- 2.3.1.2 Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?**

There is a vast number of legislative proposals, based on article 290 TFEU which have been recently published by the European Commission. Consequently, it was difficult for our Parliament's committees to examine all of them and only a few were selected to be scrutinised. During this examination process we encountered many differences in their justification. In some cases it was very detailed and in others it did not exist at all.

- 2.3.2 Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?**

Any involvement in the process, whatsoever, requires specialized knowledge and expertise. There will be a constant need for support by experts and governmental units in undertaking such an initiative, in order to be constructive.

## **Hungary: Országgyűlés**

### **CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy**

#### **Questions:**

##### **1.1. Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?**

Since the publication of the European Commission's proposals on the MFF 2014-2020 no official consultation has taken place between the Government and the Committee on European Affairs of the Hungarian National Assembly (hereinafter called: the Committee) due to the parliamentary recess.

The main framework of the parliamentary oversight over the Government's position on the MFF 2014-2020 will be performed via the scrutiny procedure, while further consultations (i.e. open day) might contribute to the scrutiny work.

Furthermore, the MFF proposal published on 29 June 2011 will regularly be on the agenda of the so called Consultation Meeting, where, ahead of the European Council meetings, the Prime Minister highlights the position of the Hungarian Government to be represented at the European Council.

In addition, the development of the EU policies affecting the next MFF 2014-2020 has been closely monitored by the Committee during the Belgian and the Hungarian EU Presidencies. Accordingly several Committee hearings were held where the Minister for Foreign Affairs, Minister for Rural Development, and the Minister for National Development or the State Secretary of Ministry for National Economy presented the actual stage of the negotiations to the Committee members. The importance of the different Council meetings was also underlined during these meetings, for example the Presidency conclusions on the future of the cohesion policy adopted at the General Affairs meeting of 21 February 2011 or the conclusions on the CAP towards 2020 adopted on 17 March 2011 by a very large number of Member States, therefore influencing the preparatory work of the MFF proposal.

With the aim of raising the public awareness and of inviting more MPs of the Assembly to contribute to the parliamentary discussions on the MFF, the Committee will consider of organizing an open day dedicated exclusively to the issue of 2014-2020 multiannual EU budget in the course of autumn session of the Hungarian National Assembly.

##### **1.1.1. If so, please specify the scope, procedure and timetable.**

*See reply 1.1*

The timetable of the scrutiny procedure regarding the MFF 2014-2020 will follow the European decision making process. The official launch of the scrutiny procedure will take place in September 2011 after the first plenary session of the Hungarian National Assembly takes place for the autumn session, i.e. after 12 September 2011.

##### **1.1.2. If not, does it intend to do so?**

*See previous reply.*

**1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?**

No official parliamentary position has been formulated on this issue yet. In our views, this question should be discussed in a larger inter-institutional context. We support the idea of the European Parliament of organizing an inter-parliamentary conference with the participation of national Parliaments.

**1.3. What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?**

No official parliamentary position has been formulated on this issue yet.

**1.4. What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?**

No official parliamentary position has been formulated on this issue yet, but only those ideas should become real that respect the division of competences between the European institutions and the Member States and the present legal base provided by the Treaties.

**1.5. Does your Parliament/Chamber support the Commission's proposals on the Europe 2020 Project Bond initiative?**

By unleashing the potential of the Single Market in areas that need further development – and moreover by taking into account that this new instrument was not used before – the Europe 2020 Project Bond initiative could further contribute to the strengthening of the European competitiveness. Investments in infrastructure would be encouraged by this type of initiative. The Commission's proposal is therefore supportable.

**1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.**

The MFF 2014-2020 should focus both on today's and tomorrow's needs and should boost more jobs, more growth, safer and better connected Europe as well as modern agriculture. Moreover, new proposed funds like the Connecting Europe Facility would foster the backbone of the internal market as well.

It is therefore essential that the new MFF allocates the necessary financial resources to the completion of Europe 2020 Strategy objectives. In addition, the strengthening and revitalising of the Single Market would fully contribute to the objectives defined in the Europe 2020 Strategy. The creation of a Connecting Europe facility accelerating the infrastructure such as transport, energy and ICT sectors across the EU is consequently also significant.

**1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?**

No official parliamentary position has been formulated on this issue yet.

**1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States?**

No official parliamentary position has been formulated on this issue yet.

**1.8. Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources?**

No official parliamentary position has been formulated on this issue yet.

**CHAPTER 2: Two years after the entry into force of the Treaty of Lisbon - parliamentary experience**

**Questions:**

**2.1. Reasoned opinions**

**2.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned.**

Since the entry into force of the Treaty of Lisbon there has been no reasoned opinion adopted by the Hungarian National Assembly yet. However, it is important to point out that Hungary has been in EU trio ever since the entry into force, giving its first ever EU Presidency in the first semester of 2011, therefore limited amount of resources were at disposal for general scrutiny and scrutiny of principles of subsidiarity and proportionality. More focus was given to the Presidency-related activities.

**2.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission?**

*See reply 2.1.1.*

**2.1.3. Were those replies sent within the Commission self-imposed time-limit of three months?**

*See reply 2.1.1.*

**2.1.4. Were those replies satisfactory? If not, please indicate why.**

*See reply 2.1.1.*

**2.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber?**

*See reply 2.1.1.*

**2.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases.**

*See reply 2.1.1.*

**2.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving the Commission's reply to a reasoned opinion? If so, please indicate the COM documents.**

*See reply 2.1.1.*

**2.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal?**

The Committee considers that the eight-week period is a rather narrow timeline for an effective examination a legislative proposal, especially given the different schedule under which national Parliaments are operating.

**2.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion?**

*See reply 2.1.1.*

**2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages?**

The EU's linguistic diversity and equal treatment of all national Parliaments are guiding principles and should be respected by all EU institutions and actors concerned.

The quality of impact assessments of EU draft legislative can not be judged generally, but regarding proposals falling under the scope of the Protocol 2 detailed and conceptual explanations should be provided instead of occasionally formal or general remarks.

**2.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications.**



The internal procedure has been in place already since Hungary's EU accession; therefore no modifications were required because of the Treaty of Lisbon entered into force.

## **2.2. Informal political dialogue**

**2.2.1. How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to the European Commission since the entry into force of the Treaty of Lisbon? Please specify the COM documents.**

There has been no contribution sent to the European Commission within the framework of the informal political dialogue by the Hungarian National Assembly yet.

**2.2.2. How many contributions did your Parliament/Chamber receive replies to from the European Commission?**

*See reply 2.2.1.*

**2.2.3. Were those replies satisfactory? If not, please indicate why.**

*See reply 2.2.1.*

**2.2.4. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber?**

*See reply 2.2.1.*

**2.2.5. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a contribution? If so, please provide the underlying reasons and specify the COM documents.**

*See reply 2.2.1.*

## **2.3. Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

**2.3.1 Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?**

All the legislative acts which authorize the European Commission to adopt delegated acts should contain transparent and explicit references in conformity with second subparagraph of Paragraph (1) of Article 290 TFEU.

**2.3.1.1 Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)?**

All relevant EU institutions should respect the limitations of Article 290 whereby only certain non-essential elements of a legislative act can be supplemented or amended by a delegated act.

**2.3.1.2 Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?**

The essential features of a delegated act like the indeterminate period of delegation of power to the Commission and the narrow time frame for the EU legislators to react, may create rather less transparent circumstances particularly for national Parliaments.

**2.3.2 Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?**

The monitoring of delegated acts at national level should primarily involve the closer cooperation between the Governments and the Parliaments concerned.

## **Ireland: Houses of the Oireachtas**

### **CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy**

#### **Questions:**

On the Multiannual Financial Framework 2014 – 2020 the Joint Committee on European Union Affairs has to date drawn together some initial views. Given that the Commission's proposal was published on 29 June and is a complex document concerning a wide variety of policy areas the timeframe envisaged by this questionnaire does not allow for the full response the Committee believes is merited. The Joint Committee believes that such questions might be more suited to the COSAC in the first half of 2012 which would allow the Committee to consult as appropriate and to produce a considered view.

The questions posed are in the main, very specific and varied, covering "own resources", cohesion policy v competitiveness, the Europe 2020 Project Bond initiative and the Single market Act and will require some detailed consideration and may require consultation with a variety of stakeholders.

In the autumn, the Joint Committee intends to fully engage in consideration of the MFF and will consult with government and other stakeholders as it sees fit with a view to the agreement of a Contribution to be sent to the EU Institutions.

Until further consideration of the document can be completed the Joint Committee can offer the following initial views;

- ➔ The Joint Committee's initial views are that the 1.05% GNI proposal made by the Commission is broadly acceptable. While conscious of budgetary constraints it is nonetheless important that the Budget is fully able to achieve the policy priorities of the Union and the EU 2020 Strategy.
- ➔ The Joint Committee believes that the Budget should be adequate to fund a strong CAP for a strong European agricultural sector, vital for the European Union's food security and welcomes that the Commission in its proposal has not made cuts in this area.
- ➔ The Joint Committee welcomes the focus on economic growth and job creation and the proposals on access to funding for SMEs. The Joint Committee believes that an increased focus on growth is important for the EU and for Ireland as a means to put the economic crisis behind us.
- ➔ The Joint Committee also can welcome the ring-fenced €4.5 billion for research and innovation on food security, bio-economy and sustainable agriculture in the Common Strategic Framework for Research and Innovation.

#### **1.1. Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?**

**1.1.1. If so, please specify the scope, procedure and timetable.**

**1.1.2. If not, does it intend to do so?**

- 1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?**
- 1.3. What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?**
- 1.4. What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?**
- 1.5. Does your Parliament/Chamber support the Commission's proposals on the Europe 2020 Project Bond initiative?**
- 1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.**
- 1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?**
  - 1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States?**
- 1.8. Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources?**

## **CHAPTER 2: Two years after the entry into force of the Treaty of Lisbon - parliamentary experience**

### **Questions:**

#### **2.1. Reasoned opinions**

- 2.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned.**

One. Dáil Éireann (Lower House) issued a reasoned opinion on the Proposal for a Council Directive on a Common Consolidated Corporate Tax Base (CCCTB) (COM(2011)121). Seanad Éireann did not have an opportunity to consider a reasoned opinion on the proposal as there had not been time to convene the

Seanad Select Committee on European Union Affairs following the General Election in Ireland.

**2.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission?**

None (See 2.1.3)

**2.1.3. Were those replies sent within the Commission self-imposed time-limit of three months?**

The three month period in relation to the CCCTB proposal subsidiarity deadline will not expire until 18 August 2011.

**2.1.4. Were those replies satisfactory? If not, please indicate why.**

N/A

**2.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber?**

The reply, in the case of the CCCTB proposal will be forwarded to the Joint Committee on European Union Affairs and the Joint Committee on Finance, Public Expenditure and Reform for consideration. The reply will also be included in a weekly report of documents received by the European Commission and laid in the Library of both Houses.

**2.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases.**

N/A

**2.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving the Commission's reply to a reasoned opinion? If so, please indicate the COM documents.**

N/A

**2.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal?**

In our view, the eight week period could, potentially, be an insufficient time for proposals to be considered for compliance with subsidiarity and in particular if other aspects of the proposal are at issue. This is obviously compounded if the proposal is very complex or during the period following General Elections. However, to date, we have conducted the subsidiarity checks within the eight week deadline.

**2.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion?**

N/A

**2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages?**

To date, the impact assessments have been used to assist in the drafting of policy documents for the Committee to consider and have not been considered in the past by the Committee on an individual basis. However, following the recent General Election, the scrutiny of EU draft legislative acts has been mainstreamed across Sectoral Committees of the Oireachtas. This revised scrutiny system will include more scope for the consideration of the impact assessments given that each committee will focus on its own Sectoral interests.

The Joint Committee does not have a view regarding the translation of impact assessments into all EU official languages. This would depend on the requirements of our colleagues in other Member State National parliaments.

**2.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications.**

We are satisfied that the internal subsidiarity control mechanism is sufficient. The procedures for considering proposals for consideration with subsidiarity have been modified. Standing Orders of both Houses have been agreed to provide the mechanism for subsidiarity checks and following the recent General Election, sectoral Committees have been specifically delegated the power under the Standing Orders to consider draft legislative acts under their remit for compliance with subsidiarity.

The Parliament has also put in place a procedure whereby, following a General Election and prior to the establishment of the Committee system, a transitional Committee is established within three days of its first sitting, specifically to consider the subsidiarity aspect of proposals. This mechanism was used for the first time after the General Election and provided the basis for the Dáil to consider the draft Reasoned Opinion. See also reply to 2.1.1 and 2.1.8

**2.2. Informal political dialogue**

**2.2.1. How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to the European Commission since the entry into force of the Treaty of Lisbon? Please specify the COM documents.**

The Joint Committee on European Affairs submitted two Contributions on;

- COM(2009) 622 Green Paper on a European Citizens' Initiative,
- COM(2009) 647: Commission Working Document: Consultation on the future "EU2020" Strategy

The Parliament is very committed to the informal political dialogue and the mainstreaming of EU affairs across sectoral Committees of the Oireachtas following the recent General Election will enhance this dialogue.

Prior to the Lisbon Treaty, the Joint Committee on European Affairs submitted contributions to the European Commission.

**2.2.2. How many contributions did your Parliament/Chamber receive replies to from the European Commission?**

The Joint Committee received replies to both contributions.

**2.2.3. Were those replies satisfactory? If not, please indicate why.**

The replies were presented to the Committee on receipt and were deemed satisfactory by the Members.

**2.2.4. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber?**

The replies are presented to the Committee on receipt and are considered as appropriate.

**2.2.5. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a contribution? If so, please provide the underlying reasons and specify the COM documents.**

The replies were considered by the Committee and were accepted and noted by the Members in all cases.

**2.3. Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

**2.3.1 Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?**

The Joint Committee has noted the concern expressed by other Member State parliaments regarding aspects of proposals providing for delegated acts. The Joint Committee believes that there should be an increase in focus on consideration of the delegation of powers as part and parcel of the normal scrutiny of legislative proposals post Lisbon.

The Joint Committee on European Union Affairs will liaise with the Sectoral Committees of the Oireachtas to ensure that particular attention is paid to the subject of delegated acts and to request that they raise any concerns with the Committee as they arise.

**2.3.1.1 Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)?**

No specific instances have arisen to date.

**2.3.1.2 Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?**

The Joint Committee is considering whether it should be a requirement for the Commission to specifically address this issue, in the explanatory

memorandum accompanying a proposal, where the proposal confers the power to adopt delegated acts.

**2.3.2 Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?**

YES. The Joint Committee would be happy to consider an appropriate mechanism.



## Italy: Camera dei Deputati

### CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy

#### Questions:

#### **1.1. Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?**

##### **1.1.1. If so, please specify the scope, procedure and timetable.**

On 27 July 2011 the Committees on Budget and on EU policies started jointly the scrutiny of the Commission's proposals on the new MFF and on the new EU system of own resources (submitted on 29 June)

Within the framework of the scrutiny of such proposals the Committees decided to hold hearings of all the competent Ministers and high level officials, of the Italian Regions (Regional Governments and Assemblies), of MEPs (members of the relevant EP Committees), of the European Commissioner Lewandowsky as well as of experts.

On 28 July the Committees on Budget, EU policies and on Foreign Affairs of the Chamber and of the Senate held an hearing of the Minister for Foreign Affairs on the Italian position on the MFF.

The Committees on Budget and on EU policies are supposed to end the scrutiny by October at latest with the adoption of a final document.

The Italian Chamber of deputies already expressed some general views on the revision of the EU budget in the resolution, approved on 13th July 2010, on the LWP 2010 of the European Commission. In particular, the House did hereby commit the Government to:

- the timely transmission to the Houses of Parliament of detailed information and figures relating to the financial impact on Italy of the various proposals for the reform of the expenditure and revenue flows of the European Union;
- taking steps to ensure that during the current period of reflection and the later negotiations for the preparation of a multi-annual post-2013 Financial Framework of the European Union, the following objectives are borne in mind:
  - 1) clearly and transparently define the relationship of the EU's policy priorities with its spending, and reaffirm the principle of solidarity and parity among Member States;
  - 2) secure an amount of resources that is considerably higher than that envisaged in the Financial Framework for 2007-2013 by focusing on measures to support new priorities and strategic challenges, with particular regard to competitiveness, innovation, research, small businesses, the regulation of migratory flows and the management of illegal immigration, while maintaining funding for cohesion policies at least at the level currently envisaged in the Financial Framework 2007-2013;
  - 3) set aside specific and adequate funds for very high value-added European projects and products, especially in the fields of healthcare, research and infrastructure;
  - 4) extend co-financing to include new sectors such as, in particular, agriculture, so that the allocation of the EU's budget may produce a "leverage effect" and increase the total volume of resources available;

- 5) ensure, in any case, that under the post-2013 Financial Framework Italy will benefit proportionately to its net contribution to the EU budget;
  - 6) foster greater recourse to new models for the financing of European public policies such as public-private partnerships, loans and credit guarantees from the European Investment Bank (EIB), the European Investment Fund (EIF) and the European Bank for Reconstruction and Development (EBRD). By generating a significant leverage effect, these new financial sources can mobilise further public- and private-sector investment;
- propose a closer examination of the benefits to be had from using European debt securities to finance, in particular, investments in European infrastructure and research;
  - promote greater synergies between the EU budget and domestic budgets of member states with a view to quantifying the amount of resources earmarked for each policy and objective and, in light of the reduced size of the European budget and the economic crisis, promote the use of these resources for common objectives.

**1.1.2. If not, does it intend to do so?**

**1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?**

This item has not yet been considered.

**1.3. What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?**

This item has not yet been considered.

**1.4. What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?**

This item has not yet been considered.

**1.5. Does your Parliament/Chamber support the Commission's proposals on the Europe 2020 Project Bond initiative?**

Yes, the Committee on Budget and the Committee on EU Policies supported in several documents the Project bond initiative. In addition in the final document jointly adopted by the Committee on EU budget and the Committee on EU policies on the reinforcing the economic policy coordination, the Committees ask for rules need to be set for the issuing of European securities (Eurobonds) guaranteed by the gold reserves of the European System of Central Banks that will be used for the financing of European projects relating to large infrastructure works, research and the ecological conversion of the system of production, beginning with the energy and transport sectors.

**1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.**

Yes. The final document adopted on 11<sup>th</sup> March 2010 by the Committee on budget and the Committee on EU policies jointly on the communication "Europe 2020: A Strategy

for Smart, Sustainable and Inclusive Growth" (COM(2010)2020) underlined that the MFF after 2013 should reflect the priorities of the Strategy and furnish the tools to maximise the impact of EU funding initiatives and guarantee that they generate added value. As soon as the effects of the economic upturn are felt, an evaluation should be made of the possibility of increasing funding above the budget framework for 2007–2013 and perhaps drawing on the margin between the ceiling of financial perspectives and own resources.

**1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?**

This item has not yet been considered in detail. However some general indications are laid down in the resolution recalled in the *answer. 1.1.1*

**1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States?**

In the resolution recalled in the *answer. 1.1.1* the Chamber clearly stressed that - while focusing on measures to support new priorities and strategic challenges, with particular regard to competitiveness, innovation, research, small businesses, the regulation of migratory flows and the management of illegal immigration - the next MFF should maintain funding for cohesion policies at least at the level currently envisaged in the Financial Framework 2007-2013.

**1.8. Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources?**

This item has not yet been considered.

**CHAPTER 2: Two years after the entry into force of the Treaty of Lisbon - parliamentary experience**

**Questions:**

**2.1. Reasoned opinions**

**2.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned.**

The Chamber adopted 1 reasoned opinion on the proposal for a regulation implementing enhanced cooperation in the area of the creation of unitary patent protection (COM(2011)215) and on the proposal for a Regulation implementing enhanced cooperation in the area of the creation of unitary patent protection with regard to the applicable translation arrangements (COM(2011)216).

- 2.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission?**  
 The reasoned opinion was sent to the EU institution on 14 June 2011. The reply has not been received yet.
- 2.1.3. Were those replies sent within the Commission self-imposed time-limit of three months?**  
 See answer 2.1.2.
- 2.1.4. Were those replies satisfactory? If not, please indicate why.**  
 See answer 2.1.2.
- 2.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber?**  
 See answer 2.1.2.
- 2.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases.**  
 See answer 2.1.2.
- 2.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving the Commission's reply to a reasoned opinion? If so, please indicate the COM documents.**  
 See answer 2.1.2.
- 2.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal?**  
 The Committee on EU Affairs – which is competent for the subsidiarity check – considers the eight-week period as sufficient for subsidiarity check. The Chamber considers this deadline as applicable only to the subsidiarity check, in accordance with Protocol 2. The scrutiny of the substantive aspects of EU proposals and other documents is usually finalized by the competent Committees beyond the 8 weeks period in order to carry out a more in deep assessment of all the relevant aspects.
- 2.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion?**  
 Yes. In the above mentioned reasoned opinion on European patent the Chamber disputed the legal basis of the proposals (arguing that the proposed legal basis - article 118 (1) of the Treaty on the Functioning of the European Union – confer an exclusive competence on the European Union and therefore does not allow the recourse to an enhanced cooperation).  
 In the preamble of the reasoned opinion the EU Affairs Committee stressed expressly that the subsidiarity check implies also the assessment of the correctness of the legal basis.

In most documents approved as a result of the subsidiarity check the EU Affairs Committees reiterated that the correctness of the legal basis is relevant for assessing a breach of subsidiarity.

**2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages?**

The Committees on EU policies - in the final document on the Annual report 2010 on relations between the European Commission and National Parliaments, approved on 27th July – stressed the need to furtherly improve the quality of impact assessment by providing systematically qualitative and quantitative analyses.

The final document also asked the Commission to make the impact assessments available in all EU official languages as far as possible.

**2.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications.**

The EU Affairs Committee considered that the internal procedure for subsidiarity control mechanism is fully satisfactory.

The procedure has not been modified since July 2010 (it is described in the COSAC website (see the link:

<http://www.cosac.eu/en/info/earlywarning/countryspecific/italie/camera/>)

## **2.2. Informal political dialogue**

**2.2.1. How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to the European Commission since the entry into force of the Treaty of Lisbon? Please specify the COM documents.**

31 contributions.

COM(2009)126

COM(2009)147-304-400 (climate change package)

COM(2009)262

COM(2009)333

COM(2009)490

COM(2009)647

COM(2010)53

COM(2010)61

COM(2010)94

COM(2010)95

COM(2010)119

COM(2010)135 (LWP of the European Commission)

COM(2010)250

COM(2010)289

COM(2010)291

COM(2010)350  
COM(2010)365  
COM(2010)379  
COM(2010)520-521  
COM(2010)522-527 (economic governance package)  
COM(2010)561  
COM(2010)672  
COM(2010)776  
COM(2011)11  
COM(2011)13  
COM(2011)15  
COM(2011)78  
COM(2011)121  
COM(2011)146  
COM(2011)345  
COM(2011)400

**2.2.2. How many contributions did your Parliament/Chamber receive replies to from the European Commission?**

12 replies out of 31 contributions

**2.2.3. Were those replies satisfactory? If not, please indicate why.**

In the final document mentioned in answer 2.1.10 the EU Policies Committee stated that the quality of the EC replies improved in the last year. However the Committee complained they sometimes do not contain an explicit consideration of the comments raised by the Chamber but just reassert the reasons and the aims of its proposals.

**2.2.4. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber?**

Replies are forwarded by the Speaker to the sectorial Committees that approved the contribution and to the Committee on EU affairs.

**2.2.5. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a contribution? If so, please provide the underlying reasons and specify the COM documents.**

In some cases the sectorial Committees held a debate on the EC reply without adopting any document.

**2.3. Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

**2.3.1 Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?**

The EU Affairs Committee and some sectorial Committees decided to carry out a case by case consideration of the DLA provisions for delegated act. No general

position or concern has been expressed up to now concerning the recourse to the delegated acts.

**2.3.1.1 Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)?**

See answer 2.3.1. Only in 1 case a sectorial Committee considered that a DLA conferred a too broad delegation to the Commission.

**2.3.1.2 Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?**

See answer 2.3.1.

**2.3.2 Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?**

The EU Affairs Committee considered very useful a cooperation in this field in order to support the general scrutiny of NPs on the draft delegated acts (which are currently not transmitted by the Government to the Italian Parliament).

## Italy: Senato della Repubblica

### CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy

#### Questions:

**1.1. Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?**

No, it has not.

**1.1.1. If so, please specify the scope, procedure and timetable.**

**1.1.2. If not, does it intend to do so?**

The Italian Parliament will consider and debate the financial package in the framework of its oversight of Government action and its political dialogue with the European Commission. The Foreign Minister reported on the Multiannual Financial Framework to a joint sitting of the Senate and Chamber Foreign Affairs, Budget and European Policies committees on 27 July 2011.

**1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?**

No opinion has been developed on this measure, although it has been noted that the MFF should be more flexible and more swiftly adaptable to the changing economic scenarios in the EU.

**1.3. What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?**

No opinion has been developed on this proposal. The Italian Government has welcomed a gradual and carefully considered reduction of the contribution based on the GNP. It should be noted here that Italy has been a net contributor to the EU budget for several years, without ever receiving any of the compensation measures envisaged by the MFF for certain States.

**1.4. What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?**

No opinion has been developed by the Senate on this matter. During the 27 July hearing, the Foreign Minister stressed the Government's willingness to consider the new system of EU own resources, although – the Minister noted – the measures proposed by the Commission do not include an adequate assessment of their economic and administrative impact. By way of example, it is not clear whether an own resource based on the taxation of financial transactions will be effective or will merely drive investors towards countries with a more liberal tax regime.



**1.5. Does your Parliament/Chamber support the Commission's proposals on the Europe 2020 Project Bond initiative?**

No opinion has been developed by the Senate on this matter. During the hearing of the Foreign Minister, the Government praised the proposal, although its impact should be more carefully considered.

**1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.**

No opinion has been developed by the Senate on this matter. The financial effort for the development of the major infrastructure networks was mentioned at the hearing of 27 July. Italy welcomes the allocation of more funds, as long as a review of major projects is conducted, to include also peripheral areas and regions, which are presently at the margin of such commitment.

**1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?**

**1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States?**

The Government does not agree with a further reduction of cohesion funds and will carefully consider the impact of the establishment of an intermediate category of regions (so-called regions "in transition")

**1.8. Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources?**

Although the Government supports an incentive-based system, it maintains that its underlying criteria should be clarified. The same considerations hold for the conditionality criteria to be applied when granting or renewing funds

**CHAPTER 2: Two years after the entry into force of the Treaty of Lisbon - parliamentary experience**

**2.1. Reasoned opinions**

**2.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned.**

The Senate of the Republic has so far passed four reasoned opinions on non-compliance with the proportionality and subsidiarity principles, on the following documents:

- COM (2010) 176 final, Proposal for a Council decision laying down rules for imports into the European Union from Greenland of fishery products, live bivalve molluscs, echinoderms, tunicates, marine gastropods and by-products thereof (Text with EEA relevance) Presented by the Commission (Resolution of the Senate Committee on Agriculture, Doc. XVIII n. 41, of 9 June 2010);
- COM (2011) 126 final, Proposal for a Council regulation on jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes (Resolution of the Senate Committee on the Judiciary, Doc. XVIII n. 96 of 31 May 2011);
- COM (2011) 127 final, Proposal for a Council regulation on jurisdiction, applicable law and the recognition and enforcement of decisions regarding the property consequences of registered partnerships. The legal bases of such documents were challenged and further consideration on the compliance of these proposals with the subsidiarity principle was deemed necessary (Resolution of the Senate Committee on the Judiciary, Doc. XVIII n. 97 of 31 May 2011);
- COM (2011) 353 final, Proposal for a Regulation of the European Parliament and of the Council on food intended for infants and young children and on food for special medical purposes. The measures relating specifically on products for celiacs were marked as failing to comply with the proportionality and the subsidiarity principle (Resolution of the Senate Health Committee, Doc. XVIII n. 104 of 2 August 2011).

Scrutiny of subsidiarity and proportionality compliance was conducted following the guidelines and criteria proposed by the Commission itself: ‘necessity’ and ‘EU value-added’ (see also COM(2011) 344 final, "Report from the Commission on subsidiarity and proportionality"), and the decisions of the Court of Justice (C-58/08 *Vodafone*, judgment of 8 June 2010).

Consideration of Commission proposals was not limited to the four negative opinions above. The Senate has considered almost all documents subject to subsidiarity compliance control since the entry into force of the Lisbon Treaty. Comments issued by the Senate and soliciting a response from the Commission in the framework of the political dialogue between the two institutions were as varied as the following examples will show:

- as far as the contents of the measures were concerned, a favourable opinion was made conditional on meeting certain circumstances in the case of COM (2010) 117 final (Proposal for a Regulation (EU) of the European Parliament and of the Council concerning European statistics on tourism); or on the inclusion of new language in the measure following the guidelines issued by the Senate (Proposal for a Directive of the European Parliament and of the Council on combating the sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA (COM (2010) 94 final));

- exceptions taken on the legal basis of a proposal ranged from requests to redress possible material errors made by the Commission (Proposal for a Directive of the European Parliament and of the Council on Deposit Guarantee Schemes (COM (2010) 368 final) to requests to complement the proposal with further provisions (COM (2010) 611 final, Proposal for a Regulation (EU) of the European Parliament and of the Council amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency);
- compliance with sound legislative drafting criteria for the purposes of ensuring quality in EU legislation was called for in the opinion on the Proposal for a Regulation (EU) of the European Parliament and of the Council amending Regulation (EC) No 648/2004 as regards the use of phosphates and other phosphorous compounds in household laundry detergents (COM (2010) 597 final);
- the passage of preparatory acts of EU legislation was urged in the case of the Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 378/2007 as regards the rules for the implementation of voluntary modulation of direct payments under the common agricultural policy (COM (2010) 772 final);
- the use of delegated powers under Art. 290 TFEU (see reply to question 2.3).

**2.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission?**

Presently, only the reasoned opinion on COM(2010) 176 has received a reply. Other – more recent – opinions still await response.

It should be said, however, that the Commission has often replied also to positive subsidiarity and proportionality opinions. 30 written replies have been received since the entry into force of the Lisbon Treaty.

**2.1.3. Were those replies sent within the Commission self-imposed time-limit of three months?**

The reply relating to COM(2010) 176 was sent within the three-month limit.

**2.1.4. Were those replies satisfactory? If not, please indicate why.**

The response to the reasoned opinion was to the point.

Also the replies to positive opinions/resolutions adopted in the framework of the subsidiarity compliance mechanism are, as a rule, very informative. The Commission's replies to reiterated complaints by the Senate on the issue of delegated acts are however unconvincing (see question 2.3).

**2.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber?**

Commission replies are sent to the appropriate committee. Some such replies elicited further considerations which led committee chairpersons to further respond to the Commission.

**2.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases.**

No, they were not.

**2.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving the Commission's reply to a reasoned opinion? If so, please indicate the COM documents.**

This has never happened as yet.

**2.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal?**

Notwithstanding the peculiarities of each act, experience shows that the eight-week deadline is at times barely sufficient. In-depth consideration requires more than just textual analysis, it also necessarily entails:

- acquisition of information from the central Government and from Regional Councils;
- the involvement (and at times a formal hearing) of experts, scholars and trade operators;
- analysis of all critical elements thus emerged, also in relation to the proposal's impact on Italian laws;

Once all the information has been collected, a committee should fit consideration of the measure in the parliamentary schedule.

**2.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion?**

The Commission has indicated Article 81(3) TFEU as the legal basis of COM(2011) 126 final and COM(2011) 127 final. Under such article, "measures concerning family law with cross-border implications shall be established by the Council, acting in accordance with a special legislative procedure". In its reasoned opinions of 31 May 2011, the Senate has highlighted problematic aspects relating to the extension of family law provisions to same-sex marriage and has expressly objected to the extension of family law to registered partnerships (COM(2011) 127 final). In both cases, it was concluded that "problems relating to the legal basis require further consideration on the proposal's compliance with the subsidiarity principle".

**2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages?**

The Senate of the Republic holds that the action of EU institutions should be consistent with the language regime envisaged by the Treaties: therefore as many types of documents as possible should be made available in all Union languages. At the same time, translation quality should be carefully ensured, especially for those texts that are bound to become legally binding and which should not contain ambiguous or inaccurate wording.

**2.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications.**

The subsidiarity and proportionality control mechanism on EU proposals is not defined by the Senate Rules of procedure.

On the eve on the entry into force of the Lisbon Treaty, a letter of the President of the Senate dated 1 December 2009 established that the procedure used for the development of guidelines to the Government should also be applied to subsidiarity control. In short, such procedure provides that:

- an EU document subject to subsidiarity control shall be referred to the appropriate committee;
- a deadline for scrutiny of the proposal shall be set both for the appropriate (main) committee and for the committees requested to issue an opinion (which always include at least the EU Policies Committee and the Foreign Affairs Committee);
- a Committee issuing an opinion may issue a final resolution on a proposal in default of action by the main committee;
- a Committee may send its final considerations on a proposal to the European institutions also after the eight-week deadline.

A sub-committee of the Committee on Rules was established to consider a revision of the Senate Rules in order to accommodate subsidiarity control. The sub-committees' recommendations were sent to the President of the Senate and are presently being considered by the whole Committee.

Such recommendations move from the procedure outlined by the President on 1 December 2009, which vests primary authority to assess subsidiarity compliance in the committee having jurisdiction over the subject matter, but leaves the Committee specialising in European Affairs to step in if the main committee fails to act.

**2.2. Informal political dialogue**

**2.2.1. How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to the European Commission since the entry into force of the Treaty of Lisbon? Please specify the COM documents.**

The entry into force of the Lisbon Treaty has acted as a catalyst on the work of the Senate of the Republic, in that standing committees have focused on EU proposals primarily referred to them for subsidiarity and proportionality control.

By way of practice, committees tend to merge subsidiarity control and political dialogue. This has enabled them to scrutinise the contents of several documents.

Ten resolutions in the framework of informal political dialogue were sent by the Senate to the European institutions, with reference to the following documents<sup>6</sup>: COM (2009) 154 final (succession and the creation of a European Certificate of Succession); COM(2009) 163 final (Green Paper on Reform of the Common Fisheries Policy); COM (2009) 342 final (EURODAC); COM (2009) 466 final (Integrated Maritime Policy for better governance in the Mediterranean); joint consideration of documents COM (2009) 499 final, COM (2009) 500 final, COM (2009) 501 final, COM(2009) 502 final and COM (2009) 503 final (European Financial authorities); COM(2009) 504 final (Report from the Commission on subsidiarity and proportionality); joint consideration of documents COM (2009) 622 final and COM (2010) 119 final (Citizens' initiative); COM(2010) 135 final (Work Programme 2010); COM (2010) 291 final (Relations between the Commission and national parliaments); COM(2010) 83 final (Commission's exercise of implementing powers).

**2.2.2. How many contributions did your Parliament/Chamber receive replies to from the European Commission?**

The Commission replied to almost all above-mentioned resolutions (eight out of ten), namely: COM (2009) 154 final; COM(2009) 163 final; COM (2009) 466 final; joint consideration of COM (2009) 499 final, COM (2009) 500 final, COM (2009) 501 final, COM(2009) 502 final and COM (2009) 503 final; joint consideration of COM (2009) 622 final and COM (2010) 119 final; COM(2010) 135 final; COM (2010) 291 final; COM(2010) 83 final.

**2.2.3. Were those replies satisfactory? If not, please indicate why.**

Replies were generally pertinent to the qualifications submitted by the Senate and explained the position of the Commission.

The Commission's response on delegated acts, following repeated complaints by Senate committees, was met with some dissatisfaction (see question 2.3).

**2.2.4. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber?**

Commission replies are sent to the appropriate committee. Some such replies elicited further considerations which led committee chairpersons to further respond to the Commission.

At the Agriculture and Agrifood Production Committee sitting of Wednesday 23 June 2010, the chair reported on the Commission's response on COM (2009) 163 final, Green Paper - Reform of the Common Fisheries Policy.

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<sup>6</sup> This list includes documents that were not sent to national parliaments for the purpose of subsidiarity control but on which Senate standing committees have sent their opinions to the Commission.

**2.2.5. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a contribution? If so, please provide the underlying reasons and specify the COM documents.**

The only time this happened was immediately before the entry into force of the Lisbon Treaty. On 27 April 2009, the chairman of the Senate Environment Committee reacted to the European Commission's letter, through the Senate Secretary-General, by providing his considerations on the so-called "energy-climate package" (20-20-20): COM (2008) 13 final, COM (2008) 16 final, COM (2008) 17 final, (COM 2008) 18 final, COM (2008) 19 final and (COM (2008) 30 final.

**2.3. Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

**2.3.1 Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?**

The Senate of the Republic has scrutinised and followed the development of EU legislative proposals including delegation of legislative power since the entry into force of the Lisbon Treaty and the publication by the Commission of COM (2009) 673 final ("Communication from the Commission to the European Parliament and the Council - Implementation of Article 290 of the Treaty on the Functioning of the European Union").

Following this process and taking into account the position of the German Bundesrat (resolution 875/09 of 12 February 2010), criticism has emerged on the Commission's interpretation of Article 290 TFEU.

The Senate maintains that the Treaty on the functioning of the European Union should be strictly complied with where it requires that primary legislative acts explicitly define "the objectives, content, scope and duration of the delegation of power"; such explicit definition should involve at least:

- with reference to the duration: a clearly stated date for the beginning and an equally certain date for the termination of the delegation of power, which should leave no space for the increasing practice of indefinite delegation. Furthermore, the practice of indefinite delegation is held to adversely affect the authority of national parliaments, which are the bodies having the authority to monitor the division of competence between Union and Member States in matters of concurrent jurisdiction, through subsidiarity and proportionality control. Delegation transferring legislative power in certain sectors to the Commission for an indefinite time prevents parliaments – for an equally indefinite time – from scrutinising the Commission's work and assessing whether the principles and criteria for the delegation, and even the delegation itself, should be extended;
- with reference to the scope: compliance with the boundaries explicitly set by Article 290 TFEU, whereby "the essential elements of an area shall be reserved for the legislative act and accordingly shall not be the subject of a delegation of power".

For all such reasons, the Senate of the Republic has always objected to the inclusion of delegation clauses arguably exceeding the scope of Art. 290 TFEU as described above<sup>7</sup>. Twenty-seven Senate resolutions contain objections concerning the delegation of power<sup>8</sup>.

The anomaly of delegated powers for an indeterminate period of time was outlined also following the conclusion of the Common Understanding agreed by the Commission, the Council and the European Parliament. Paragraph 8 of such document acknowledges that "the basic act may empower the Commission to adopt delegated acts for an undetermined or determined period of time".

### **2.3.1.1 Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)?**

The Senate of the Republic believes that interfering with the essential elements of an act accounts for a violation of the Treaty on the functioning of the European Union. A number of documents scrutinised by the Senate since the enforcement of the Lisbon Treaty include delegated powers that have to do – in the opinion of the Senate – with essential elements of the act. Such was the case with the following documents, amongst others:

- COM (2010) 119 final, Citizens' Initiative: under Art. 15 the Commission may, by means of delegated acts, amend Annex I establishing the minimum number of signatories per Member State.
- COM (2010) 249 final, European Statistics on Crops: under Art. 4(4), the Commission may adopt delegated acts to modify the list of "permanent crops" (Annex I), which shall be the object of systematic production of statistics;
- COM (2010) 371 final, Investor-Compensation Schemes: under new Art. 4 of Directive 97/9/CE the Commission may adjust the minimum level of compensation, taking into account inflation in the union and the average amount of funds and financial instruments held by retail investors in the Union;
- COM (2010) 475 final, Single European Railway Area: delegated powers are conferred on "essential functions of an infrastructure manager" (Annex II). Furthermore, most annexes may be amended in the light of such an indeterminate criterion as "experience";
- COM (2010) 799 final, Common Organisation of Agricultural Markets: delegated powers are conferred on the Commission relating to such elements as criteria, obligations and penalties, which can hardly be considered "non-essential elements of the legislative act";

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<sup>7</sup> As the Commission itself noted, without mentioning the Italian Senate, in COM(2011) 345 final ("Annual report 2010 on relations between the European Commission and national parliaments"): "one chamber systematically questions the fact that the delegated powers are conferred on the Commission for an undetermined period. In its view this is not in line with Article 290 TFEU".

<sup>8</sup> See resolutions on documents COM(2010) 83 final, COM(2010) 117 final, COM(2010) 119 final, COM(2010) 132 final, COM(2010) 249 final, COM(2010) 371 final, COM(2010) 393 final, COM(2010) 475 final, COM(2010) 482 final, COM(2010) 484 final, COM(2010) 486 final, COM(2010) 490 final, COM(2010) 498 final, COM(2010) 537 final, COM(2010) 539 final, COM(2010) 597 final, COM(2010) 726 final, COM(2010) 738 final, COM(2010) 745 final, COM(2010) 759 final, COM(2010) 761 final, COM(2010) 767 final, COM(2010) 775 final, COM(2010) 799 final, COM(2011) 118 final, COM(2011) 169 final and COM(2011) 245 final



- COM (2010) 482 final, Short Selling: delegated powers enable the Commission to modify the purpose of the directive and the notification and disclosure thresholds for some categories of short selling.

**2.3.1.2 Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?**

In documents scrutinised by the Senate, a delegation of powers is simply presented as necessary in the whereases and the explanatory memorandum and then described in detailed in the operative part. The Commission should instead include, in the explanatory memorandum of every act, the elements necessary to assess compliance with Article 290 TFEU.

**2.3.2 Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?**

In the numerous replies sent to Senate standing Committees, the Commission has always merely reiterated its position.

On the occasion of the XLV COSAC (Budapest, 29-31 May 2011) Senate Standing Committee on EU Policies chairperson Sen. Rossana BOLDI wrote a communication on delegated acts, inviting all national parliaments to start a reflection to assess all conceptual and procedural implications of undetermined delegation.

The Senate is therefore willing to co-operate with all EU institutions, in order to establish effective and lean monitoring on delegated acts.

## Latvia: Saeima

### CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy

#### Questions:

**1.1. Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?**

**1.1.1. If so, please specify the scope, procedure and timetable.**

Yes, in accordance with the Rules of Procedure of the Saeima of the Republic of Latvia, the European Affairs Committee gives a mandate to the government regarding all Latvia's official positions on EU matters. Also in this case, the Committee is reviewing Latvia's positions regarding the EU's MFF. The first position has been adopted on 28 July 2011.

In addition to the European Affairs Committee's mandate given to the government, in relation to the EU Communication on the MFF, the Saeima on its extraordinary plenary sitting of 14 July 2011 adopted statements on an Equitable Common Agricultural Policy of the European Union after 2013 and on the EU Budget's Financing for Reducing Social and Economic Disparities after 2013.

**1.1.2. If not, does it intend to do so?**

**1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?**

Parliament supports the EC proposed term of 7 years.

**1.3. What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?**

Parliament supports the EC proposal to revoke the value-added-tax-based contributions to the EU budget while increasing the proportion of the GNI-based contributions.

**1.4. What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?**

Parliament has not yet taken a standpoint on the proposal, but considers that it may be necessary to impose own resource so as to avoid a reduction of Cohesion funds.

**1.5. Does your Parliament/Chamber support the Commission's proposals on the Europe 2020 Project Bond initiative?**

This is the issue to be considered by the Parliament given that there we are currently awaiting additional information from the EC.

**1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.**

Parliament supports establishing a link between the goals defined in the Europe 2020 Strategy and the targets of future financial programmes and instruments; however, Parliament does not support complete subordination because that could jeopardise essential infrastructure projects and other fundamental needs outside the scope of the Europe 2020 Strategy.

Parliament welcomes the EC's intention to simplify the financing regulations in a number of EU budget programmes.

**1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?**

Parliament in principle welcomes the EC proposal to basically retain the existing budget structure; however, it believes the historical objective of the Cohesion Policy is still important, and therefore it should be treated as a separate sub-heading of expenditures, and its funds should be ringfenced.

**1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States?**

Parliament considers that the Cohesion Policy should have a separate sub-heading within the structure of the EU budget.

**1.8. Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources?**

Parliament would like to receive more details about the proposed principle and has not yet taken a specific view.

## **CHAPTER 2: Two years after the entry into force of the Treaty of Lisbon - parliamentary experience**

### **Questions:**

#### **2.1. Reasoned opinions**

**2.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned.**

So far, the Saeima, when examining the EU's new draft legislative acts, has not found any non-compliance with regard to subsidiarity, and therefore no reasoned opinions have been adopted.

**2.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission?**

Although the Saeima has not found any instances of non-compliance, the Commission, Council and European Parliament have been notified of the subsidiarity checks that have been performed, and the European Commission has replied to Latvia's opinion.

**2.1.3. Were those replies sent within the Commission self-imposed time-limit of three months?**

The reply was received, but the three-month deadline was exceeded.

**2.1.4. Were those replies satisfactory? If not, please indicate why.**

The European Commission's comments were satisfactory.

**2.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber?**

Because the European Affairs Committee decides on sending positions or reasoned opinions to the EU institutions, members of the Committee are notified of the European Commission's replies.

**2.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases.**

Please refer to the reply to Question 2.1.1.

**2.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving the Commission's reply to a reasoned opinion? If so, please indicate the COM documents.**

Please refer to the reply to Question 2.1.1.

**2.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal?**

The eight-week period is sufficient to conduct subsidiarity check of an EU draft legislative act. For EU draft legislative acts that involve calculations, the eight-week period may be insufficient to determine whether the principle of proportionality is observed.

**2.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion?**

The European Affairs Committee of the Saeima holds the opinion that in the EU draft legislative acts it has examined so far, the EC has succeeded in justifying the need for the proposals, as well as in providing a legal basis for relevant actions.

**2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages?**

The lack of translation of the impact assessments into the national language is the reason why the Saeima conducts subsidiarity checks only on rare occasions; it is impossible to conduct a comprehensive subsidiarity check without the availability of the relevant impact assessment.

**2.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications.**

The existing subsidiarity control mechanism is satisfactory, and there are no plans at present to modify it.

## **2.2. Informal political dialogue**

**2.2.1. How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to the European Commission since the entry into force of the Treaty of Lisbon? Please specify the COM documents.**

Within the framework of the political dialogue, the opinion of the Saeima has been expressed only regarding the EU MFF 2014 – 2020 (COM (2011) 500 final). The Saeima also expressed its opinion to the EC regarding the revision of Commission Regulation 1881/2006, which specifies maximum levels for certain contaminants in foodstuffs.

**2.2.2. How many contributions did your Parliament/Chamber receive replies to from the European Commission?**

So far, the European Commission has not replied regarding the MFF 2014 – 2020. However, as regards the revision of Commission Regulation 1881/2006, the Saeima was satisfied with the final decision.

**2.2.3. Were those replies satisfactory? If not, please indicate why.**

Please refer to the reply to Question 2.2.2.

**2.2.4. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber?**

The Saeima will deal with EC replies in the same way as it does with those pertaining to subsidiarity control; that is, members of the European Affairs Committee will be informed about the replies.

**2.2.5. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a contribution? If so, please provide the underlying reasons and specify the COM documents.**

Please refer to the reply to Question 2.2.2.

**2.3. Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

**2.3.1 Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?**

After carrying out a linguistic interpretation the European Affairs Committee of the Saeima is of the opinion that the interpretation of “non-legislative acts of general application” in Article 289 and Article 290 of the TFEU does not require national parliaments to evaluate the compliance with subsidiarity and proportionality principles because Article 3 of Protocol 2 of the Lisbon Treaty states that “draft legislative acts” are proposals from the Commission, initiatives from a group of Member States pertaining to the adoption of a legislative act. However, the interpretation of Paragraphs 1 and 3 of Article 289 of the TFEU indicate that “legislative acts” are legal acts that have been adopted by ordinary legislative procedure (former co-decision procedure) or by special legislative procedure.

Despite the fact that the interpretation of “non-legislative acts of general application” limits the supervision of the implementation of subsidiarity and proportionality principles by national parliaments of the EU, it must be noted that national parliaments can indirectly affect the application of a “non-legislative act of general application” by giving their governments the mandate to object in the Council to the application of Article 290 of the TFEU because in order for non-legislative acts to be applicable, an important prerequisite must be met – a delegated act can come into force only if the European Parliament or Council has not objected (TFEU, Article 290, Paragraph 2, Part b).

In the light of the aforementioned, the European Affairs Committee of the Saeima considers non-legislative acts of the EU individually.

**2.3.1.1 Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)?**

The European Affairs Committee of the Saeima has no concerns regarding the application of Article 290 of the TFEU, since the government has to receive the mandate in order to voice its opinion in the Council. And since the European Affairs Committee's opinion is binding on the government, the Committee believes its opinions are represented in the Council.

**2.3.1.2 Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?**

So far the application of the delegated acts has caused no concerns on the part of the European Affairs Committee.

**2.3.2 Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?**

Since current legal framework does not provide for additional monitoring of the application of Article 290 of the TFEU on the part of national parliaments, dedicating a section on the European Commission's website to delegated acts would be a sufficient measure to ensure additional clarity.

## **Lithuania: Seimas**

### **CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy**

#### **1.1. Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?**

The Lithuanian Seimas intends to debate the MFF 2014-2020 during its autumn session of 2011.

The working group of the Committee on European Affairs is currently drafting the Parliamentary Report on MFF 2014-2020 and the associated review of EU horizontal policies. The working group is composed of the MPs from the Committee on European Affairs, the Committee on Rural Affairs and the Committee on Budget and Finance, assisted by the staff of the Office of the Seimas, and invited experts.

The draft of the Parliamentary Report will be submitted for consideration to the Seimas in the autumn session of 2011.

##### **1.1.1. If so, please specify the scope, procedure and timetable.**

See answer to question 1.1.

##### **1.1.2. If not, does it intend to do so?**

See answer to question 1.1.

#### **1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?**

The Lithuanian Seimas has not directly addressed this issue. However, several specialised committees, namely, the Committee on Budget and Finance, Committee on Economics, Committee on Audit, Committee on Social Affairs and Labour, and Committee on Rural Affairs have considered the Commission's related proposals:

- Communication on the EU Budget Review;
- Conclusions of the Fifth Report on Economic, Social and Territorial Cohesion;
- Communication on the Common Agricultural Policy towards 2020;
- Communication on Energy Infrastructure Priorities for 2020 and beyond, etc.

#### **1.3. What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?**

The Lithuanian Seimas has not expressed its opinion yet. However, referring to the preliminary position, the parliament would support the increase of Member States contributions to the EU budget. The additional financial funds should be allocated for the implementation of the strategic European goals.

#### **1.4. What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for**



**example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?**

The Commission's proposals on energy taxation and taxing of financial transactions have been discussed by the specialised committees. The Committee on Budget and Finance and the Committee on Economics approved the position of the Government providing the following justification:

- excise duties essentially perform a fiscal function; therefore, EU Member States should be free to choose the most appropriate measures to reduce greenhouse gas emissions themselves;
- Member States can continue pursuing environmental targets under the existing regulation; excise tariff review is not necessary for this. The introduction of the environmental element would result in the loss of simplicity of the excise system and encumber the administration of the excise duties;
- there is an intention to regulate the damage from CO<sub>2</sub> in the transport sector through economic measures, namely, prices;
- the review would result in the increase of minimum excise tariffs on all energy products, with the exception of petrol and energy; this would have a negative impact on the competitiveness of many sectors of economy, especially transport and agriculture.

In addition, the Committee on European Affairs has decided that there is a need for the detailed analysis of the financial implications of such proposals for the national budgets.

**1.5. Does your Parliament/Chamber support the Commission's proposals on the Europe 2020 Project Bond initiative?**

The Lithuanian Seimas has not expressed its opinion yet. However, such issue would be addressed in the Parliamentary Report on MFF 2014-2020 and the associated review of EU horizontal policies (see answer to question 1.1.).

**1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.**

The Lithuanian Seimas supports the initiatives streamlined to ensure that the EU is actively and effectively pursuing the goal to become a more competitive, social, and sustainable union. The strengthening of the Single Market should serve for stronger development of the energy and transport infrastructure.

The parliament supports the proposal to establish stronger links between the Stability and Growth Pact, other EU macroeconomic instruments, and the Europe 2020 strategy as well as the National Reform Programmes. We support the position that the long-term sustainability of public finances is essential to ensure stability and growth.

**1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?**

The Lithuanian Seimas is going to address such issue more comprehensively in the Parliamentary Report on MFF 2014-2020 and the associated review of EU horizontal policies

(see answer to question 1.1.). However, continuation of sufficient funding for the cohesion policy, alignment of the direct payments to farmers, funding of the energy and transport infrastructure projects of strategic importance should be the most important priorities.

**1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States?**

Referring to the preliminary position, the Lithuanian Seimas is of the opinion that cohesion policy should be kept as the utmost priority.

**1.8. Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources?**

The previous initiative of the Commission to establish the European Recovery Fund was debated in the Lithuanian Seimas. The parliament underlined the importance of the financial instrument during the period of financial and economic crisis. We consider that the European Recovery Fund was very beneficial and played a significant role in supporting the European economy as a whole.

Referring to the preliminary position, the Lithuanian Seimas would be in favour for the proposal to keep unspent EU funds for the next EU budgetary year.

**CHAPTER 2: Two years after the entry into force of the Treaty of Lisbon - parliamentary experience**

**2.1. Reasoned opinions**

**2.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned.**

The Lithuanian Seimas adopted 3 reasoned opinions after the Lisbon Treaty entered into force. The reasoned opinions were submitted on:

1.	COM/2010/037 9	Proposal for a Directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of seasonal employment
2.	COM/2010/053 7	Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)
3.	COM/2010/053 9	Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers

**2.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission?**

The Lithuanian Seimas received replies from the Commission on all submitted reasoned opinions.

**2.1.3. Were those replies sent within the Commission self-imposed time-limit of three months?**

The delay of the Commission replies is one of the major challenges.

**2.1.4. Were those replies satisfactory? If not, please indicate why.**

Even though in the recent report on the relations between the Commission and national parliaments is reiterated that all replies are individual, sometimes the Commission uses the practice to generalise the answers to the questions raised by the national parliaments, and send the same answers to all submitted reasoned opinions. Thus the reply to a concrete question raised by the particular national parliament looks watered down.

**2.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber?**

The Committee on European Affairs gets acquainted with the Commission's replies, and the replies are sent for reference to the specialised Seimas committees.

**2.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases.**

Not yet.

**2.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving the Commission's reply to a reasoned opinion? If so, please indicate the COM documents.**

The practise to generalise the answers to the questions raised by the national parliaments (as it was stated in the answer to question 2.1.4.) does not provide a solid background for further dialogue with the European Commission.

**2.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal?**

Yes, the Lithuanian Seimas regards the eight-week period for subsidiarity check as sufficient.

According to the practice, the Committee on European Affairs sets the time limit for the specialised committees for the deliberation of other aspects of the Commission's proposal (usually up to four weeks).

**2.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion?**

Yes. When deliberating the Commission's proposals, the Lithuanian Seimas takes into account the following:

- Whether the issue proposed to regulate by the EU legislative initiative has an international aspect, which cannot be appropriately regulated by the actions taken individually by the Members States;
- Whether the individual actions of the Members States or the absence of joint EU actions would infringe the EU Treaties or act against EU interests;
- Whether joint EU actions may have an obvious advantage over the efforts of individual Member States.

For the purposes of compliance with the subsidiarity principle, the following is additionally assessed on the basis of the explanatory memorandum:

- Whether the consultations with the Members States are sufficient during the drafting of the EU legislative initiative;
- Whether the explanations are submitted allowing to assess the compliance with the principle of subsidiarity;
- Whether the EU legislative initiative is based on qualitative and quantitative criteria;
- Whether the financial and administrative burden is assessed;
- What is the potential regulatory impact of the EU legislative initiative.

In addition, the Lithuanian Seimas examines the compliance of the Commission's proposals with the principle of proportionality.

**2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages?**

On several occasions the Lithuanian Seimas underlined that the full version of the impact assessment should be translated into all official EU languages before the eight-week period starts to count.

**2.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications.**

The inter-institutional working group proposed the amendments to the Statute (RoP). These amendments should:

- Clarify the subsidiarity control procedure in the Lithuanian Seimas;
- Establish the legal provisions for examination of the compliance of proposals with the principle of proportionality;
- Describe the competence of the parliament to address to the European Court of Justice regarding the compliance of the adopted legal acts with the principle of subsidiarity;
- Establish the procedure for the approval of the EU legal acts (adopted according to Art. 223, 262, 311 of the TFEU and Art. 42 of the TEU).

Proposed amendments are currently at the deliberation stage in the plenary.

## **2.7. Informal political dialogue**

### **2.2.1. How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to the European Commission since the entry into force of the Treaty of Lisbon? Please specify the COM documents.**

The Lithuanian Seimas submitted to the Commission 5 contributions. The contributions were related to:

1.	COM/2009/0248 and SEC/2009/0712	Communication concerning the European Union Strategy for the Baltic Sea Region European Union Strategy for the Baltic Sea Region Action Plan
2.	COM/2009/0363	Proposal for a Regulation of the European Parliament and of the Council concerning measures to safeguard security of gas supply and repealing Directive 2004/67/EC
3.	COM/2010/0672	Communication 'The Common Agricultural Policy towards 2020: meeting the food, natural resources and territorial challenges of the future'
4.	COM/2010/2020	Communication 'Europe 2020: a strategy for smart, sustainable and inclusive growth'
5.	COM/2010/0783	Report 'The memory of the crimes committed by totalitarian regimes in Europe'

### **2.2.2. How many contributions did your Parliament/Chamber receive replies to from the European Commission?**

The Lithuanian Seimas received 1 reply from the Commission (regarding the proposal on security of gas supply). The parliament appreciates constant and constructive political dialogue with the Commission on further issues related to the Internal Market issues.

### **2.2.3. Were those replies satisfactory? If not, please indicate why.**

Yes. The replies from the Commission gave an impetus for further deliberations, and allowed to more confidently keep these issues on the national and international agenda.

### **2.2.4. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber?**

In that particular case, the Committee on European Affairs got acquainted with the Commission's reply. Then the reply was sent for reference to the specialised committees concerned and the Government.

**2.2.5. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a contribution? If so, please provide the underlying reasons and specify the COM documents.**

Yes. As it was stated in answer to question 2.2.3., the Commission's replies gave an impetus for continuing the dialogue. One of the measures was the meeting of the Lithuanian MPs with the responsible officials from the Commission.

**2.3. Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

**2.3.1 Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?**

**2.3.1.1 Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)?**

Yes. The Lithuanian Seimas has expressed its concern on the application of Art. 290 of the TFEU (adopted reasoned opinions regarding COM/2010/0537 and COM/2010/0539 stating a possible breach of the principle of subsidiarity).

**2.3.1.2 Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?**

The Lithuanian Seimas has expressed its reasoned opinion that the proper functioning of the internal market could be better ensured and the regulating could be better implemented in a more expedient manner, considering the needs of the stakeholders in the MS alone. The Commission did not provide sufficient evidence to prove that these issues could be better regulated by the delegated acts.

**2.3.2 Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?**

Not yet.

## Luxembourg: Chambre des Députés (replies amended on 26 09 2011)

### Chapitre 1 : Cadre financier pluriannuel pour la stratégie Europe 2020

#### Questions:

- 1.1. Est-ce que votre Parlement/Chambre a été activement impliqué/e à l'établissement de la position de votre gouvernement sur le CFP 2014-2020?**

*La Commission des Finances et du Budget n'a pas encore été impliquée dans l'établissement de la position du Gouvernement luxembourgeois sur le CFP 2014-2020.*

- 1.1.1. En cas de réponse affirmative, veuillez préciser la portée, la procédure et le calendrier.**

- 1.1.2. En cas de réponse négative, a-t-il (-elle) l'intention d'y participer?**

*La Commission des Finances et du Budget a convoqué une première réunion le 20 septembre 2011 pour examiner les propositions de la Commission européenne. Elle entend continuer son examen critique dans les mois à venir.*

- 1.2. Quel est l'avis de votre Parlement/Chambre sur la proposition relative à la réduction de la durée du CFP de 7 à 5 ans?**

*Un cadre financier pluriannuel (CFP) à 5 ans est une fausse bonne idée. Si elle permettrait d'aligner les changements de Commission et de Parlement avec la durée des perspectives financières, elle aurait aussi l'inconvénient de devoir rouvrir des négociations difficiles à plus brève échéance. La durée actuelle du CFP (2014-2020) est dans ce sens plus appropriée et coïncide également avec le calendrier de la stratégie EUROPE 2020.*

- 1.3. Quel est l'avis de votre Parlement/Chambre sur la proposition relative à la réduction des contributions des États membres au budget de l'UE basées sur le RNB?**

*Le système de financement du budget européen est un système complexe qui n'est plus en phase avec les Traités. En ce sens, une simplification est nécessaire. Pour autant, réduire le financement de l'Union aux simples contributions RNB des Etats membres serait sans doute simpliste et ne correspondrait pas non plus à l'esprit qui a animé les Pères fondateurs lorsqu'ils imaginaient une Communauté financée par des ressources propres autonomes et indépendantes des budgets nationaux. Une telle simplification ne saurait donc être que provisoire et temporaire, dans l'attente d'introduire de réelles nouvelles ressources propres. La Commission formulera des propositions dans ce sens à l'automne. Il faudra les examiner avec beaucoup d'attention.*

- 1.4. Quelle est la position de votre Parlement/Chambre sur la proposition de la mise en place d'un nouveau système des ressources propres de l'UE, comprenant le régime relatif à la TVA modernisé et les taxes, notamment sur les**

**émissions de dioxyde de carbone, le transport aérien, les bénéfices des sociétés, les transactions financières ou les produits énergétiques?**

*En complément des éléments fournis par la réponse à la question 1.3., il est devenu nécessaire de réfléchir à réformer le système de financement de l'Union. Une telle réforme nécessitera néanmoins beaucoup de temps et devra respecter les prérogatives des Parlements nationaux. Il est cependant difficile de se prononcer à ce stade sans avoir examiné au préalable les propositions que la Commission devrait adopter à l'automne.*

**1.5. Est-ce que votre Parlement/Chambre soutient les propositions de la Commission relatives à l'initiative Europe 2020 concernant les emprunts obligatoires pour le financement de projets?**

*De telles initiatives, comme celle visant à lancer des emprunts européens orientés vers des projets en vue notamment de promouvoir l'investissement, doivent sans nul doute être soutenues, afin, d'une part, de diversifier les sources de financement de l'Union et, d'autre part, de sensibiliser et de promouvoir la participation du secteur privé à ce type de projet.*

**1.6. Est-ce que votre Parlement/Chambre est d'avis que le CFP 2014-2020 devrait permettre la mise en œuvre complète des objectifs de la stratégie Europe 2020, y compris le financement des initiatives visant à renforcer le marché unique? En cas de réponse négative, veuillez préciser les tâches/objectifs qui devraient être prioritaires et ceux qui pourraient être différer.**

*Le CFP devrait permettre la mise en œuvre complète des objectifs de la stratégie Europe 2020, y compris le financement des initiatives visant à renforcer le marché unique. Il ne saurait y avoir d'arbitrage ou de compromis sur ce point. La stratégie Europe 2020 et les initiatives visant à développer le marché unique contribuent à promouvoir la croissance européenne et à notre compétitivité.*

**1.7. Selon votre Parlement/Chambre, quelle devrait être la structure des dépenses budgétaires de l'UE dans le CFP 2014-2020?**

**1.7.1. Est-ce qu'un transfert potentiel de fonds de la sous-rubrique 1b (Cohésion pour la croissance et l'emploi) vers la sous-rubrique 1a (Compétitivité) serait avantageux pour la cohésion économique, sociale et territoriale de tous les États membres?**

*La Commission propose de supprimer l'existence de sous-rubriques à l'intérieur du cadre financier afin notamment de parvenir à une plus grande flexibilité au sein des différentes rubriques du CFP et de mieux intégrer les objectifs de la stratégie Europe 2020. Sachant qu'une même action peut poursuivre simultanément plusieurs objectifs, cette intégration permettra de favoriser les synergies dans l'utilisation des fonds consacrés à diverses priorités et contribuera sans aucun doute à accroître la cohérence et l'efficacité des dépenses. Un tel cadre stratégique commun pour la dépense communautaire devrait donc accroître la cohésion économique, sociale et territoriale de chaque Etat membre.*

**1.8. Compte tenu de l'insuffisance des ressources budgétaires et de la nécessité de leur efficace utilisation, est-ce que votre Parlement/Chambre**



**serait en faveur de l'adoption d'un principe selon lequel les fonds de l'UE non dépensés, au lieu de revenir aux États membres, seraient utilisés en tant que ressources propres de l'UE au cours des exercices futurs?**

*Si un tel principe n'est pas tout à fait conforme à la discipline budgétaire, il aurait néanmoins le mérite de permettre à l'Union de se doter de moyens supplémentaires pour atteindre ses objectifs. Force est de constater que les moyens dont dispose l'Union sont limités. Un tel principe permettrait donc de pallier à cette faiblesse.*

## **Chapitre 2 : Les expériences parlementaires deux ans après l'entrée en vigueur du Traité de Lisbonne**

### **Questions:**

#### **2.1. Avis motivés**

**2.1.1. Combien d'avis motivés ont été adoptés dans votre Parlement/Chambre depuis l'entrée en vigueur du Traité de Lisbonne? Veuillez identifier les documents COM concernés.**

*La Chambre des Députés a adopté cinq avis motivés. Les documents COM concernés sont les suivants :*

- *Proposition de directive du Parlement européen et du Conseil établissant un espace ferroviaire unique européen (refonte) - COM (2010) 475*
- *Proposition de règlement du Parlement européen et du Conseil portant modification du règlement (CE) n° 1698/2005 du Conseil concernant le soutien au développement rural par le Fonds européen agricole pour le développement (Feader) - COM (2010) 537*
- *Proposition de règlement du Parlement européen et du Conseil modifiant le règlement (CE) n° 73/2009 du Conseil établissant des règles communes pour les régimes de soutien direct en faveur des agriculteurs dans le cadre de la politique agricole commune et établissant certains régimes de soutien en faveur des agriculteurs - COM (2010) 539*
- *Proposition de règlement du Parlement européen et du Conseil modifiant le règlement (CE) n° 1234/2007 du Conseil en ce qui concerne les normes de commercialisation - COM (2010) 738*
- *Proposition de règlement du Parlement européen et du Conseil portant organisation commune des marchés dans le secteur agricole et dispositions spécifiques en ce qui concerne certains produits de ce secteur (règlement « OCM unique ») - COM (2010) 799*

**2.1.2. Combien d'avis motivés de votre Parlement/Chambre ont reçu des réponses de la part de la Commission européenne?**

*La Chambre des Députés a entre-temps reçu des réponses à quatre des cinq avis motivés communiqués à la Commission européenne. Seul le dernier en date (COM (2010) 799 n'a pas encore obtenu de réponse.*

**2.1.3. Est-ce que ces réponses ont été envoyées dans le délai de trois mois que la Commission a imposé à elle-même?**

*Non, la Commission européenne a mis entre quatre et six mois pour répondre :*

- *Proposition de directive du Parlement européen et du Conseil établissant un espace ferroviaire unique européen (refonte) - COM (2010) 475*

*Date d'envoi : 16.11.2010*

*Date de la réponse : 13.04.2011*

- *Proposition de règlement du Parlement européen et du Conseil portant modification du règlement (CE) n° 1698/2005 du Conseil concernant le soutien au développement rural par le Fonds européen agricole pour le développement (Feader) - COM (2010) 537*

*Date d'envoi : 30.11.2010*

*Date de la réponse : 13.05.2011*

- *Proposition de règlement du Parlement européen et du Conseil modifiant le règlement (CE) n° 73/2009 du Conseil établissant des règles communes pour les régimes de soutien direct en faveur des agriculteurs dans le cadre de la politique agricole commune et établissant certains régimes de soutien en faveur des agriculteurs - COM (2010) 539*

*Date d'envoi : 30.11.2010*

*Date de la réponse : 15.06.2011*

- *Proposition de règlement du Parlement européen et du Conseil modifiant le règlement (CE) n° 1234/2007 du Conseil en ce qui concerne les normes de commercialisation - COM (2010) 738*

*Date d'envoi : 07.02.2011*

*Date de la réponse : 15.06.2011*

**2.1.4. Est-ce que ces réponses étaient satisfaisantes? En cas de réponse négative, veuillez la motiver.**

*Les réponses sont plus ou moins satisfaisantes.*

**2.1.5. Pourriez-vous décrire comment les réponses de la Commission européenne ont été traitées par votre Parlement/Chambre?**

*Les réponses de la Commission européenne sont transmises pour information à tous les membres de la Chambre des Députés, aux membres luxembourgeois du Parlement européen, ainsi qu'aux chambres professionnelles. Il appartient aux commissions parlementaires compétentes d'analyser les réponses et d'en assurer le suivi.*

- 2.1.6. Selon la connaissance de votre Parlement/Chambre, est-ce que les avis motivés ont été reflétés dans les projets d'actes législatifs de l'UE? En cas de réponse affirmative, veuillez indiquer des cas précis.**

*Non, tel n'est pas le cas.*

- 2.1.7. Est-ce que votre Parlement/Chambre a continué le dialogue avec la Commission européenne portant sur le projet d'acte législatif après avoir reçu la réponse à l'avis motivé de la part de la Commission? En cas de réponse affirmative, veuillez indiquer les documents COM concernés.**

*Non, tel n'est pas le cas.*

- 2.1.8. Est-ce que votre Parlement/Chambre considère la période de huit semaines prévue pour le contrôle de la subsidiarité comme suffisante pour examiner la proposition de la Commission, du point de vue de la subsidiarité et des autres aspects de la proposition?**

*La période de huit semaines est généralement suffisante, à moins que l'avis doive être élaboré pendant une période de travail intense de la commission parlementaire compétente pour préparer l'avis.*

- 2.1.9. Est-ce que votre Parlement/Chambre a jamais considéré l'absence de la base légale ou l'absence (ou bien l'insuffisance) de la justification de la subsidiarité dans les exposés des motifs comme une violation du principe de subsidiarité en adoptant, en conséquence, un avis motivé?**

*La Chambre des Députés a relevé l'absence de la justification de la subsidiarité comme un des arguments motivant l'avis motivé relatif au document COM (2010) 539 (proposition de règlement du Parlement européen et du Conseil modifiant le règlement (CE) n° 73/2009 du Conseil établissant des règles communes pour les régimes de soutien direct en faveur des agriculteurs dans le cadre de la politique agricole commune et établissant certains régimes de soutien en faveur des agriculteurs).*

- 2.1.10. Quel est l'avis de votre Parlement/Chambre sur la qualité des analyses d'impact relatives aux projets d'actes législatifs de l'UE? Est-ce que les analyses d'impact relatives aux projets d'actes législatifs devraient être traduites intégralement vers toutes les langues officielles de l'UE?**

*Non, une traduction intégrale des analyses d'impact dans toutes les langues officielles de l'UE n'est pas indispensable.*

- 2.1.11. Est-ce que le mécanisme interne de contrôle de la subsidiarité de votre Parlement/Chambre est satisfaisant jusqu'à présent? Est-ce que cette procédure a été modifiée à un stade? En cas de réponse affirmative, veuillez décrire les modifications.**

*Le mécanisme interne de contrôle de la subsidiarité est généralement considéré comme satisfaisant, bien que des adaptations mineures aient été effectuées (p. ex. adaptation de la*

*procédure applicable pendant les vacances, publication des avis motivés et des avis politiques, ...) et puissent à tout moment être décidées.*

## **2.2. Dialogue politique informel**

### **2.2.1. Combien de contributions dans le cadre du dialogue politique informel avec la Commission européenne ont été envoyées par votre Parlement/Chambre à la Commission européenne depuis l'entrée en vigueur du Traité de Lisbonne? Veuillez indiquer les documents COM.**

*La Chambre des Députés a envoyé huit avis politiques à la Commission européenne concernant en tout onze documents COM :*

- *Proposition de directive du Parlement européen et du Conseil modifiant la directive 97/9/CE du Parlement européen et du Conseil relative aux systèmes d'indemnisation des investisseurs - COM (2010) 371*
- *Proposition de règlement du Parlement européen et du Conseil modifiant la directive 2001/18/CE en ce qui concerne la possibilité pour les Etats membres de restreindre ou d'interdire la culture d'OGM sur leur territoire - COM (2010) 375*
- *Proposition de décision du Parlement européen et du Conseil établissant le premier programme en matière de politique du spectre radioélectrique - COM (2010) 471*
- *Proposition de règlement du Conseil modifiant le règlement (CE) n° 1467/097 du Conseil visant à accélérer et à clarifier la mise en œuvre de la procédure concernant les déficits excessifs - COM (2010) 522*
- *Proposition de directive du Conseil sur les exigences applicables aux cadres budgétaires des Etats membres - COM (2010) 523*
- *Proposition de règlement du Parlement européen et du Conseil sur la mise en œuvre efficace de la surveillance budgétaire dans la zone euro - COM (2010) 524*
- *Proposition de règlement du Parlement européen et du Conseil modifiant le règlement (CE) n° 1466 / 97 relatif au renforcement de la surveillance des positions budgétaires ainsi que de la surveillance et de la coordination des politiques économiques - COM (2010) 526*
- *Livre vert de la Commission relatif aux actions envisageables en vue de la création d'un droit européen des contrats pour les consommateurs et les entreprises - COM (2010) 348*
- *Proposition de directive du Conseil concernant une assiette commune consolidée pour l'impôt sur les sociétés (ACCIS) - COM (2011) 121*
- *Proposition de directive du Conseil modifiant la directive 2003/96/CE du Conseil restructurant le cadre communautaire de taxation des produits énergétiques et de l'électricité - COM (2011) 169*

- *Proposition de directive du Parlement européen et du Conseil relative à l'efficacité énergétique et abrogeant les directives 2004/8/CE et 2006/32/CE - COM (2011) 370*

**2.2.2. Combien de réponses de la part de la Commission européenne ont été reçues par votre Parlement/Chambre?**

*La Commission européenne a répondu à quatre avis de la Chambre des Députés ayant trait à sept documents COM :*

- *Proposition de directive du Parlement européen et du Conseil modifiant la directive 97/9/CE du Parlement européen et du Conseil relative aux systèmes d'indemnisation des investisseurs - COM (2010) 371*
- *Proposition de règlement du Parlement européen et du Conseil modifiant la directive 2001/18/CE en ce qui concerne la possibilité pour les Etats membres de restreindre ou d'interdire la culture d'OGM sur leur territoire - COM (2010) 375*
- *Proposition de décision du Parlement européen et du Conseil établissant le premier programme en matière de politique du spectre radioélectrique - COM (2010) 471*
- *Proposition de règlement du Conseil modifiant le règlement (CE) n° 1467/97 du Conseil visant à accélérer et à clarifier la mise en œuvre de la procédure concernant les déficits excessifs - COM (2010) 522*
- *Proposition de directive du Conseil sur les exigences applicables aux cadres budgétaires des Etats membres - COM (2010) 523*
- *Proposition de règlement du Parlement européen et du Conseil sur la mise en œuvre efficace de la surveillance budgétaire dans la zone euro - COM (2010) 524*
- *Proposition de règlement du Parlement européen et du Conseil modifiant le règlement (CE) n° 1466 / 97 relatif au renforcement de la surveillance des positions budgétaires ainsi que de la surveillance et de la coordination des politiques économiques - COM (2010) 526*

**2.2.3. Est-ce que ces réponses étaient satisfaisantes? En cas de réponse négative, veuillez la motiver.**

*Les réponses sont plus ou moins satisfaisantes.*

**2.2.4. Pourriez-vous décrire comment les réponses de la Commission européenne relatives à vos contributions sont-elles traitées dans votre Parlement/Chambre?**

*Le traitement réservé aux réponses de la Commission européenne concernant les avis politiques est identique à celui réservé aux réponses à des avis motivés. En l'occurrence, les réponses de la Commission européenne sont transmises pour information à tous les membres de la Chambre des Députés, aux membres luxembourgeois du Parlement européen, ainsi qu'aux chambres*

professionnelles. Il appartient aux commissions parlementaires compétentes d'analyser les réponses et d'en assurer le suivi.

**2.2.5. Est-ce qu'il y avait des cas où votre Parlement/Chambre a continué le dialogue politique informel après avoir reçu la réponse de la part de la Commission européenne relative à une contribution? En cas de réponse affirmative, veuillez fournir une justification et indiquer les documents COM.**

*Non, tel n'est pas le cas.*

### **2.3. Contrôle parlementaire et actes délégués (Article 290 TFUE)**

**2.3.1 Veuillez décrire les avis de votre Parlement/Chambre relatifs aux propositions prévoyant des actes délégués (Article 290 TFUE)?**

**2.3.1.1 Est-ce que votre Parlement/Chambre a des préoccupations au sujet des actes délégués (du fait que dans certains cas les éléments essentiels des actes législatifs de l'UE sont soumis à l'application de l'Article 290 TFUE)?**

*La Chambre des Députés a critiqué dans ses cinq avis motivés que certaines dispositions des propositions législatives afférentes ne respectent pas l'article 290 TFUE qui énonce que « 1. Un acte législatif peut déléguer à la Commission le pouvoir d'adopter des actes non législatifs de portée générale qui complètent ou modifient certains éléments non essentiels de l'acte législatif. ». Fait est que les dispositions critiquées contiennent des dispositions essentielles.*

**2.3.1.2 Est-ce que les éléments essentiels d'un acte délégué (les objectifs, le contenu, le champ d'application et la durée) sont décrits d'une manière appropriée dans les propositions pertinentes?**

*Voir aussi réponse à la question 2.3.1.1.*

*Dans les dispositions critiquées par la Chambre des Députés, les formulations manquent souvent de précision, ouvrent la porte à des interprétations arbitraires quant aux pouvoirs délégués, et modifient des éléments essentiels de l'acte législatif.*

**2.3.2 Est-ce que votre Parlement/Chambre prévoit une coopération possible avec les institutions de l'UE dans le cadre du suivi des actes délégués?**

*Une coopération avec les institutions de l'Union européenne dans le cadre du suivi des actes délégués n'est pas discutée au niveau de la Chambre des Députés.*

**Malta: Kamra-tad-Deputati**

**CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy**

**Questions:**

**1.1. Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?**

No.

**1.1.1. If so, please specify the scope, procedure and timetable.**

N/A

**1.1.2. If not, does it intend to do so?**

No such involvement is foreseen as yet.

**1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?**

This proposal has not yet been discussed.

**1.3. What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?**

This proposal has not yet been discussed.

**1.4. What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?**

This proposal has not yet been discussed.

**1.5. Does your Parliament/Chamber support the Commission's proposals on the Europe 2020 Project Bond initiative?**

These proposals have not yet been discussed.

**1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.**

This opinion has not yet been discussed.

**1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?**

This position has not yet been discussed.

**1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States?**

N/A

**1.8. Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources?**

This proposal has not yet been discussed.

**CHAPTER 2: Two years after the entry into force of the Treaty of Lisbon - parliamentary experience**

**Questions:**

**2.1. Reasoned opinions**

**2.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned.**

The House of Representatives has adopted one reasoned opinion since the entry into force of the Lisbon Treaty concerning the Commission's proposal for a common consolidated corporate tax base – COM (2011) 121.

**2.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission?**

The reply to the one reasoned opinion has not yet been received.

**2.1.3. Were those replies sent within the Commission self-imposed time-limit of three months?**

N/A

**2.1.4. Were those replies satisfactory? If not, please indicate why.**

N/A



**2.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber?**

This will need to be established once the Commission's reply is received.

**2.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases.**

N/A

**2.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving the Commission's reply to a reasoned opinion? If so, please indicate the COM documents.**

N/A

**2.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal?**

This period is rather short and is particularly problematic when this period falls over parliamentary recesses.

**2.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion?**

N/A

**2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages?**

The Parliament does not have an opinion on this issue, however since English is also an official language in Malta, the English version usually suffices.

**2.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications.**

The internal procedure still needs to be approved.

## **2.2. Informal political dialogue**

**2.2.1. How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to**

**the European Commission since the entry into force of the Treaty of Lisbon?  
Please specify the COM documents.**

None.

**2.2.2. How many contributions did your Parliament/Chamber receive replies to from the European Commission?**

N/A

**2.2.3. Were those replies satisfactory? If not, please indicate why.**

N/A

**2.2.4. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber?**

N/A

**2.2.5. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a contribution? If so, please provide the underlying reasons and specify the COM documents.**

N/A

### **2.3. Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

**2.3.1 Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?**

This issue has not yet been discussed in the Maltese Parliament.

**2.3.1.1 Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)?**

N/A

**2.3.1.2 Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?**

N/A

**2.3.2 Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?**

This issue has not yet been discussed in the Maltese Parliament.

## **The Netherlands: Tweede Kamer**

### **CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy**

#### **Questions:**

**1.1. Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020? Yes.**

**1.1.1. If so, please specify the scope, procedure and timetable.**

- (16 February 2011) The committee on European Affairs of the Dutch House of Representatives has had a public videoconference with the Dutch MEP's of the SURE-committee of the European Parliament.
- (18 May 2011) In advance of the presentation of the MFF 2014-2020, the committee on European Affairs of the Dutch House of Representatives has held an early debate with the Government, on the basis of a requested, written Government's position on the MFF 2014-2020.
- (30 June 2011) - The Dutch House of Representatives has requested the Government to make a parliamentary reservation with regard to the proposals of the MFF 2014-2020.
- (27 September 2011) The committee on European Affairs of the Dutch House of Representatives will have a debate with Government on how the Government will inform the House about the course of the negotiations on the MFF 2014-2020.

**1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?**

- Different parties in the House of Representatives have different opinions on this issue.

**1.3. What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?**

- A majority of the Dutch House of Representatives supports the view of the Dutch government that the contributions from the Member States to the European Union need to be made more fair and transparent. Preference is given to using a fixed percentage of the Gross National Income as resource to finance the EU budget. Using the GNI as the basis for contributions is simple and transparent and also ensures a fair distribution of contributions across the Member States, namely based on the size of the Member States' economies. (see also resolution 32502 nr. 7)

**1.4. What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?**

- See answer 1.3, and the Dutch House of Representatives is not convinced that the introduction of an European tax is desirable.

- The Dutch House of Representative also feels that any tax on transactions can best be implemented worldwide, because, otherwise, this tax will be too easy to evade. A majority of the Members of the House of Representatives is opposed to a Financial Transaction Tax as EU own resource (resolution 21501-20 nr. 546)
- The Dutch House of Representatives supports the EU's examination of options for receiving a contribution from banks as compensation for the costs incurred to save the banks. In this light, however, the cumulative effect of other reform measures currently being taken for the financial sector must be looked at.

**1.5. Does your Parliament/Chamber support the Commission's proposals on the Europe 2020 Project Bond initiative?**

- The Dutch House of Representatives is not convinced of the desirability of private financing instruments at EU level, such as Eurobonds to finance specific EU projects

**1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.**

- A majority of the House of Representatives supported a resolution (32502 nr 7) that a.o. calls for a reform of the structural funds, aimed at supporting the poorest countries and to strengthen the knowledge economy.

**1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?**

- The MFF 2014-2020 must, in terms of expenditures, be in line with the new budgetary reality in the European Union. Consequently, savings must be found in the next EU budget to finance new priorities. In addition, European expenditures should provide clear added value compared to both private initiatives and national policy.

**1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States?**

- no information available -

**1.8. Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources?**

- no information available -

**CHAPTER 2: Two years after the entry into force of the Treaty of Lisbon - parliamentary experience**

**Questions:**

## **2.1. Reasoned opinions**

- 2.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned.**
- Since the entry into force of the Treaty of Lisbon (1 December 2009) the Dutch House of Representatives has examined eight proposals for compatibility with the principle of subsidiarity. COM(2009)554, COM(2009)154, COM(2009)551, COM(2010)748, COM(2010)521, COM(2010)486, COM(2010)379 and COM(2011)121
  - The House of Representatives adopted three reasoned opinions: COM(2010)748, COM(2010)379 and COM(2011)121
- 2.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission? The Dutch House of representatives received a reply to 1 out of 3 reasoned opinions.**
- 2.1.3. Were those replies sent within the Commission self-imposed time-limit of three months?**
- The Dutch House of Representatives has sent a reasoned opinion on the proposal for a directive on the conditions of entry and residence of third-country nationals for the purposes of seasonal employment COM(2010)379 on 14 October 2010 and received a reply of the European Commission on 21 January 2011.
  - The Dutch House of Representatives did not receive a reply to the other two reasoned opinions.
- 2.1.4. Were those replies satisfactory? If not, please indicate why.**  
- no information available -
- 2.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber?**
- The replies are put on the agenda of a procedural meeting of the relevant committee. The committee decides on an adequate follow-up.
- 2.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases.**  
- no information available -
- 2.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving the Commission's reply to a reasoned opinion? If so, please indicate the COM documents.**  
No.
- 2.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal?**

- Every year the Dutch House of Representatives makes a selection of proposals (based on the Working Programme of the European Commission) to be tested against the principles of subsidiarity and proportionality. For these proposals, that are selected in advance, the eight-week period is generally regarded as sufficient period of time for the Dutch House of Representatives to examine them on the basis of subsidiarity and proportionality.
- In the light of a smooth functioning of the yellow and orange card mechanism the eight-week period is generally regarded as rather tight. One has to take into account that, in case one parliament starts examining a specific proposal only *after* notification of a scrutiny process initiated within other parliaments (in view of yellow and orange card coalition building), (a substantial part of) the eight-week period will already have passed.

**2.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion?**

- The Dutch House of Representatives believes that, in line with article 5 of protocol 2, draft legislative acts have to be sufficiently justified with regard to the principles of subsidiarity and proportionality.

**2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages?**

- no information available -

**2.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications.**

- The internal subsidiarity control mechanism of the House of Representatives is adequate. The House of Representatives is always open to the exchange (and adoption) of best practices of other Parliaments in this field.

## **2.2. Informal political dialogue**

**2.2.1. How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to the European Commission since the entry into force of the Treaty of Lisbon? Please specify the COM documents.**

- None

**2.2.2. How many contributions did your Parliament/Chamber receive replies to from the European Commission? (not applicable, see 2.2.1)**

**2.2.3. Were those replies satisfactory? If not, please indicate why. (not applicable, see 2.2.1)**

**2.2.4. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber? (not applicable, see 2.2.1)**

**2.2.5. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a contribution? If so, please provide the underlying reasons and specify the COM documents. (not applicable, see 2.2.1)**

### **2.3. Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

**2.3.1 Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?**

**2.3.1.1 Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)?**

- The democratic control of the practices in the so-called comitology committees remains an issue in the Dutch House of Representatives. The Dutch Government will – upon request - provide the Dutch House of Representatives with information on relevant proceedings in a specific committee. The Dutch House of Representatives is open for suggestions that could improve the transparency and democratic control of the practices of the comitology committees.

**2.3.1.2 Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?**  
- no information available -

**2.3.2 Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?**

- The Dutch House of Representatives is open for suggestions that could improve the transparency and democratic control of the practices of the comitology committees.

## **The Netherlands: Eerste Kamer**

### **CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy**

#### **Questions:**

**1.1. Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?**

**The Senate has not yet discussed the MFF 2014-2020. Many of the questions below are therefore not applicable at present.**

**1.1.1. If so, please specify the scope, procedure and timetable.**

**1.1.2. If not, does it intend to do so?**

**No such intention has been expressed at present**

**1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?**

**N/A**

**1.3. What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?**

**N/A**

**1.4. What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?**

**N/A**

**1.5. Does your Parliament/Chamber support the Commission's proposals on the Europe 2020 Project Bond initiative?**

**N/A**

**1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.**

**N/A**



**1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?**

**N/A**

**1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States?**

**N/A**

**1.8. Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources?**

**N/A**

## **CHAPTER 2: Two years after the entry into force of the Treaty of Lisbon - parliamentary experience**

### **Questions:**

#### **2.1. Reasoned opinions**

**2.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned.**

**Reasoned opinions have been adopted have been adopted regarding the following three proposals:**

**COM(2010)748**

**COM(2010)486**

**COM(2010)379**

**2.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission?**

**Two**

**2.1.3. Were those replies sent within the Commission self-imposed time-limit of three months?**

**One was sent within 3 months, one was sent within 4 months and one did not get a reply**

**2.1.4. Were those replies satisfactory? If not, please indicate why.**

**The replies have been debated in the relevant committee(s). There has been a general dissatisfaction with extent to which the Commission has addressed the substance of the issues raised by the Dutch Senate. The replies by the Commission did not lead to further follow-up**

**2.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber?**

**The replies are put on the agenda of the responsible standing committee(s), which decide on the appropriate course of action**

**2.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases.**

**The Senate has seen no evidence of this**

**2.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving the Commission's reply to a reasoned opinion? If so, please indicate the COM documents.**

**No**

**2.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal?**

**The eight-week period has caused few problems for the scrutiny of Commission proposals, so long as the periods of parliamentary recess are duly taken into account.**

**2.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion?**

**yes**

**2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages?**

**The Senate as such does not hold an opinion on this matter.**

**2.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications.**

**Yes, it has proven satisfactory. The Senate has brought its procedures in line with the Lisbon Treaty well in advance of its entry into force. It has gained experience with the scrutiny process in a joint temporary committee with the House of Representatives. Subsequently the practice has been adopted to fully integrate the subsidiarity check in the wider scrutiny of EU draft legislative acts within the specialised committees. Since the entry into force of the Lisbon Treaty. Since then only minor modifications have been made.**

## **2.2. Informal political dialogue**

**2.2.1. How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to the European Commission since the entry into force of the Treaty of Lisbon? Please specify the COM documents.**

**Six contributions have been sent, relating to the following proposals:**

**COM(2011)32  
COM(2010)492  
COM(2009)154  
COM(2009)551  
COM(2009)554  
COM(2009)624**

**2.2.2. How many contributions did your Parliament/Chamber receive replies to from the European Commission?**

**4**

**2.2.3. Were those replies satisfactory? If not, please indicate why.**

**COM(2009)551; the reply was not received before the requested date so that it could not be used during the plenary debate about a change in a bill on illegal aliens**

**2.2.4. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber?**

**The replies are put on the agenda of the responsible standing committee(s), which decide on the appropriate course of action or follow-up**

**2.2.5. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a contribution? If so, please provide the underlying reasons and specify the COM documents.**

**No**

### **2.3. Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

**2.3.1 Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?**

**2.3.1.1 Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)?**

**Incorrect application of Article 290 TFEU would indeed be a matter of concern for the Senate insofar as it would impede effective parliamentary scrutiny.**

**2.3.1.2 Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?**

**2.3.2 Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?**

**The Senate is open to work with other EU parliaments to exchange information and best practices.**

## Poland: Sejm

### CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy

#### Questions:

- 1.1. **Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?**

The European Union Affairs Committee (EUAC) of the Sejm of the Republic of Poland in cooperation with other committees holds regular meetings on MFF 2014-2020.

- 1.1.1. **If so, please specify the scope, procedure and timetable.**

The EU Affairs Committee held a meeting with the EU Commissioner for Financial Programming and Budget Janusz Lewandowski on 3 March 2011. Members of EUAC discussed the “Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the National Parliaments: The EU Budget Review (COM(2010) 700 final)”.

On 17 March 2011, the EU Affairs Committee and the Local Self - Government and Regional Policy Committee held a joint meeting, where they accepted the government information on the future of the cohesion policy and the new financial framework in connection with the “Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank Conclusions of the fifth report on economic, social and territorial cohesion: the future of cohesion policy (COM(2010) 642 final)”.

On 1 April 2011, the EU Affairs Committee, Economic Committee and the Environment Protection, Natural Resources and Forestry Committee held joint meeting with Ms. Connie Hedegaard, the EU Commissioner for Climate Action. The MFF negotiations in the light of climate changes were discussed during the meeting.

On 10 June 2011, the EU Affairs Committee and the Local Self - Government and Regional Policy Committee held a joint meeting with Ms. Danuta Hübner, Chairwoman of the Committee on Regional Development, where the future regional policy was discussed with regard to the new financial framework.

In September 2011, the EUAC intends to discuss the EC legislative acts on MFF 2014-2020, published on 29 June 2011. Moreover, members of the EU Affairs Committee and the Public Finance Committee are taking part in interparliamentary meetings dedicated to the MFF.

- 1.1.2. **If not, does it intend to do so?**

-

**1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?**

The European Union Affairs Committee took notice of holding the 7 year duration of the MFF. According to the EUAC it guarantees the balance between predictability and flexibility of the EU spending.

**1.3. What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?**

The European Union Affairs Committee takes the position that effective achievement of the Europe 2020 goals will be impossible without proper funding guaranteed in the EU budget. According to the EU Affairs Committee it is necessary to provide for financial support to the new policies introduced by the Treaty of Lisbon. The EU budget reform will be discussed by EUAC at its meeting in September 2011.

**1.4. What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?**

The European Union Affairs Committee is against introducing any new taxes, which may cause excessive financial burden to the economies of the poorer EU members (compare to their growth and wealth). The EU Affairs Committee will discuss the new system of EU budget own resources at its meeting in September 2011.

**1.5. Does your Parliament/Chamber support the Commission's proposals on the Europe 2020 Project Bond initiative?**

The EU Affairs Committee did not take a position on the Europe 2020 Project Bond initiative.

**1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.**

According to the EU Affairs Committee the MFF 2014-2020 should enable the implementation of the Europe 2020, which is a key issue when speaking about the EU growth. The way to implement the Europe 2020 Strategy is to use verified and solid mechanisms of the Cohesion Policy, the Common Agricultural Policy and other EU budget instruments.

**1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?**

The structure of the budgetary expenditure will be discussed at the EU Affairs Committee meeting on the MFF 2014-2020 in September 2011.

**1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States?**

The potential transfer of funds within the EU budget will be discussed at the EU Affairs Committee meeting on MFF 2014-2020 in September 2011.

**1.8. Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources?**

The issue of the return of the unspent EU funds to the Member States will be discussed at the EU Affairs Committee meeting on MFF 2014-2020 in September 2011.

## **2.1. Reasoned opinions**

**2.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned.**

Since the Treaty of Lisbon has entered into force, the Sejm of the Republic of Poland has adopted 7 reasoned opinions on the non-compliance with the principle of subsidiarity. Those drafts of EU legislative acts are:

(COM(2010) 537 final) (reasoned opinion from 25.11.2010);  
(COM(2010) 539 final) (reasoned opinion from 25.11.2010);  
(COM(2010) 728 final) (reasoned opinion from 03.02.2011);  
(COM(2010) 738 final) (reasoned opinion from 04.02.2011);  
(COM(2010) 799 final) (reasoned opinion from 04.03.2011);  
(COM(2011) 121 final) (reasoned opinion from 13.05.2011);  
(COM(2011) 127 final) (reasoned opinion from 27.05.2011).

**2.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission?**

Till 25 August 2011 Sejm has received four replies from the Commission.

**2.1.3. Were those replies sent within the Commission self-imposed time-limit of three months?**

No, the European Commission exceeded the 3-month term.

**2.1.4. Were those replies satisfactory? If not, please indicate why.**

The replies were not satisfactory. The main argument of the Presidium of the EU Affairs Committee, as well as of the Chancellery services, is that the explanations are limited to one short paragraph, in which Commission maintains its position and in general way takes an attitude towards the Sejm doubts included in the reasoned opinion.

**2.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber?**

The European Commission's replies are discussed at the meeting of the Presidium of EUAC and then are passed on to the members of the Committee.

**2.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases.**

The EU Affairs Committee doesn't have such knowledge.

**2.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving the Commission's reply to a reasoned opinion? If so, please indicate the COM documents.**

Such a situation has not happened yet.

**2.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal?**

Till now, the Sejm has not had any problems with adoption of the reasoned opinions during the eight-week period. However, the procedures of adopting the reasoned opinions are long and time-consuming. Sometimes EUAC, as an initiator, needs to work under the pressure of time.

The period of time for national Parliaments to examine the EU legislative acts' compliance with the principle of subsidiarity was not discussed neither by the Sejm at the plenary session nor by the EU Affairs Committee.

**2.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion?**

Yes, the Sejm has adopted a reasoned opinion after the European Commission, without the subsidiarity justification, recognized the EU legislative act's compliance with the principle of subsidiarity. It was considered as the violation of the Article 5 of Protocol No. 2 on the application of the principles of subsidiarity and proportionality. According to the established jurisprudence of the Court of Justice, a justification to an EU legal act should make it possible to understand the



reasons for its adoption by the EU institutions and, subsequently, to examine its legality. It is the Commission's responsibility to show to what extent the competence of a Member State and, consequently, its margin of freedom are limited. In the absence of explanation justifying compliance of the proposed Regulation with the principle of subsidiarity, the Sejm, as the chamber of the national Parliament exercising scrutiny in this area, has no opportunity to evaluate the Commission's arguments in support of declaring the proposal consistent with that principle (ex. Reasoned opinion on COM(2010) 537 or 539).

**2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages?**

Quality of impact assessment differs in different documents. Impact assessment is a separate document from the draft of the legislative act, however, substantially it is its integral part. That is the reason why the impact assessment should be subject to the same translation requirements as the draft of legislative act.

**2.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications.**

Subsidiarity control mechanism in the Sejm is working properly. After the act of 8 October 2010 on the cooperation of the Council of Ministers with the Sejm and the Senate in matters relating to the Republic of Poland's membership of the European Union came into force on 13 February 2011, new mechanism of adopting reasoned opinions has been established. The standing orders of the Sejm of the Republic of Poland has also been amended. Currently, the draft resolution concerning the breach by a legislative act of the European Union of the principle of subsidiarity referred to in Article 5 (3) of the Treaty on European Union, may be submitted by the European Union Affairs Committee or by at least 15 Deputies who has signed the draft.

Discussion, the first reading and adoption of the draft resolution shall be held at the EUAC sitting. Second reading shall be held at the sitting of the Sejm. After the debate at the plenary and voting procedure, the Sejm adopts or rejects the reasoned opinion on the non-compliance with the principle of subsidiarity of EU legislative act. The reasoned opinion adopted by the Sejm and its cover letter are signed by the Marshal and notified via e-mail to the European Commission, the European Parliament and the Council.

**2.2. Informal political dialogue**

**2.2.1 How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to the European Commission since the entry into force of the Treaty of Lisbon? Please specify the COM documents.**

The European Union Affairs Committee sent two contributions:

- On 15 April 2011: Proposal for a Directive of the European Parliament and of the Council amending Directives 89/666/EEC, 2005/56/EC and 2009/101/EC as regards the interconnection of central, commercial and companies registers (COM(2011) 079 final);
- On 8 June 2011: Proposal for a Council Directive amending Directive 2003/96/EC restructuring the Community framework for the taxation of energy products and electricity (COM(2011) 169 final).

**2.2.2. How many contributions did your Parliament/Chamber receive replies to from the European Commission?**

Till 25 August 2011 the Sejm has not received replies from the Commission.

**2.2.3. Were those replies satisfactory? If not, please indicate why.**

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**2.2.4. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber?**

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**2.2.5. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a contribution? If so, please provide the underlying reasons and specify the COM documents.**

-

**2.3. Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

**2.3.1 Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?**

The EUAC tries to monitor and control the Commission's power to adopt delegated acts through the consideration of the proposals.

**2.3.1.1 Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)?**

Yes. In its opinions, the EUAC often shares the doubts concerning the proposal of granting the Commission authority to regulate certain fundamental issues by means of delegated acts. EUAC emphasized that for instance with regard to the Proposal for a Directive of the European Parliament and of the Council amending Directives 89/666/EEC, 2005/56/EC and 2009/101/EC as regards the interconnection of central, commercial and companies registers (COM(2011) 079 final).

**2.3.1.2 Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?**

Not always. According to Deputies, objective as well as the scope of the delegated acts are often vague. Moreover, its content enclose essential elements, which should be regulated in the EU legislative act itself.

**2.3.2 Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?**

The EU Affairs Committee foresees such a possibility, especially the cooperation with the European Parliament in those matters. This issue will be discussed at the meeting of the Presidium of EUAC in September 2011.

Chairman of the Committee

/-/ Stanisław Rakoczy

## **Poland: Senat**

### **CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy**

#### **1.1. Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?**

##### **1.1.1. If so, please specify the scope, procedure and timetable.**

*The EU Affairs Committee cooperates with Senate sectoral committees and competent ministries in this respect. On July 27 the EU Affairs Committee, together with the National Economy Committee, was briefed by representatives of foreign affairs and national economy ministries on “The real and potential sources of finance for the Europe 2020 strategy goals in the context of proposals for the Multiannual Financial Framework 2014-2020”.*

#### **1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?**

*The Multiannual Financial Framework should cover at least a seven year timeframe. Shortening the duration of MFF could provoke serious problems with the implementation of key EU policies, including the cohesion policy.*

#### **1.3. What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?**

*Negotiations on the MFF 2014-2020 should not concentrate on setting top-down expenditure limits but take into account discussions on the EU’s commitments, the future of EU policies, as well as current and potential challenges. A new MFF is to be the first one under the Lisbon treaty, offering the EU new opportunities while also imposing new obligations on it.*

*For the EU budget to make a real impact on Member States’ national policies and their economic situation, it should be preserved at least at the present level of 1,13% of the EU GNI.*

#### **1.4. What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for example, carbon dioxide emissions, air transport, companies’ profits, financial transactions or sale of energy carriers?**

*An ongoing discussion on EU own resources is justified on political grounds, but some of the proposed options are unacceptable. A possible “eurotax” should respect the principle of equitable burden-sharing proportional to Member States’ levels of wealth. In particular it should not be based on CO2 emissions since such a solution would hit most severely the citizens of „new” member states where power sectors are often coal-reliant.*

#### **1.5. Does your Parliament/Chamber support the Commission’s proposals on the Europe 2020 Project Bond initiative?**

*The EU’s budget has been financed so far without borrowing loans. Innovative financing mechanisms might be an interesting option providing they are complementary to the solution currently used for financing infrastructure projects.*

*Applying them could not restrain the pool of non-refundable resources available in the budget or result in excessive extension of the EU guarantees' system, leading in future to costly handling of outstanding loans by Member States.*

**1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.**

*The Single Market is Europe's greatest achievement. By some estimates Europe's economy could gain €140 billion from removing barriers that impede market access and competitiveness, finalising the internal energy market process, building a digital economy, as well as fully integrated transport and energy infrastructure.*

**1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?**

*According to the Commission's preliminary proposals the total amount divided into annual budgets would be higher in constant prices only by 2,5%. In fact, in relation to Member States' aggregate national income, the budget is lowered to approx. 1,05% GNI. Since investments – in infrastructure, innovation and human capital – should remain pivotal for economic growth in Europe, the key component of EU's investment policy should be the cohesion policy targeted at all EU regions and aligned to Europe 2020 strategy goals.*

**1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States?**

*If the Europe 2020 Strategy is to be implemented, it's Member States which should provide adequate resources to finance it. The goals of Europe 2020 Strategy should not be achieved at the expense of other EU's policies.*

**1.8. Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources?**

*Taking into account the scarcity of EU budgetary funds as well as the fact that EU's investment programmes are mostly complex and long-term undertakings, the above mentioned principle is worth considering.*

**CHAPTER 2: Two years after the entry into force of the Treaty of Lisbon - parliamentary experience**

**Questions:**

**2.1. Reasoned opinions**

**2.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned.**

*The Senate of the Republic of Poland has adopted 8 reasoned opinions to the following documents: COM(2010) 61, COM(2010) 379, COM(2010) 537, COM(2010) 539, COM(2010) 738, COM(2010) 745, COM(2010)799, COM(2011) 127.*

**2.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission?**

*The Senate received replies to 6 reasoned opinions.*

**2.1.3. Were those replies sent within the Commission self-imposed time-limit of three months?**

*No. The Senate received those replies only after 4 - 6 months.*

**2.1.4. Were those replies satisfactory? If not, please indicate why.**

*The Commission's replies to the reasoned opinions regarding COM(2010)61, COM(2010) 379 and COM(2010) 537 did include the Commission's position on the objections raised by the EU Affair Committee. However, other replies, i.e. those to the reasoned opinions which claimed that the European Commission had been granted too much power to regulate by means of delegated acts, were deemed unsatisfactory since the Commission offered only a brief formal and legal explanation, without dealing with the objections raised in those opinions.*

**2.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber?**

*The Commission's replies are sent to the Marshal of the Senate and published on the Senate's website. There is no further procedure in this respect.*

**2.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases.**

*We have no such knowledge.*

**2.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving the Commission's reply to a reasoned opinion? If so, please indicate the COM documents.**

*No, the dialogue has not been continued.*

**2.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal?**

*There were not so far any problems with or obstacles to examining the Commission's proposals within the prescribed period. Therefore, the eight-week period for subsidiarity check seems to be sufficient.*

**2.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion?**

*If the EU Affairs Committee finds that there is no justification or that the justification is insufficient, the EU Affairs Committee mentions this issue in the opinion within the political dialogue framework. The lack of the justification, as a formal defect, is not a ground for the adoption of a reasoned opinion*

**2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages?**

*The quality of impact assessments of EU draft legislative acts hasn't been judged by the EU Affairs Committee. Those documents serve as a useful tool for the analysts who prepare preliminary opinions for the committee. The question of impact assessments being translated into all EU official languages has not been discussed and does not seem necessary.*

**2.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications.**

*The internal subsidiarity control mechanism established in 2010 has proved satisfactory so far. Only minor changes have been made for practical purposes.*

**2.2. Informal political dialogue**

**2.2.1. How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to the European Commission since the entry into force of the Treaty of Lisbon? Please specify the COM documents.**

*The EU Affairs Committee adopted and sent to the European Commission one opinion, namely on the proposal for a Regulation (EU) No .../... of the European Parliament and of the Council of [...], amending Regulation (EC) No 1905/2006 establishing a financing instrument for development cooperation **COM (2010) 102**.*

**2.2.2. How many contributions did your Parliament/Chamber receive replies to from the European Commission?**

*The EU Affairs Committee received a reply to the above mentioned opinion.*

**2.2.3. Were those replies satisfactory? If not, please indicate why.**

*The reply from the European Commission was not satisfactory, because it was too general.*

**2.2.4. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber?**

*The reply from the European Commission was distributed among members of the EU Affairs Committee. There was no additional debate.*

**2.2.5. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a contribution? If so, please provide the underlying reasons and specify the COM documents.**

*No, see 2.2.4.*

**2.3. Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

**2.3.1 Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?**

*The EU Affairs Committee pays a special attention to those provisions which grant the Commission power to adopt measures by means of delegated acts. In practice the task of defining and assessing non-essential elements to be regulated by a delegated act has proved difficult and controversial. Contrary to the proposals, many of those elements are considered by national parliaments as essential ones and as such should be regulated by a legislative act.*

**2.3.1.1 Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)?**

*The Senate has adopted 5 reasoned opinions stating that the Commission was granted excessive delegating powers. According to the Senate many issues to be regulated by delegated acts are of vital importance (i.e. are essential elements) to the agricultural market covered by COM(2010) 537, COM(2010) 539, COM(2010) 738, COM(2010) 745, and COM(2010) 799.*

**2.3.1.2 Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?**

*See 2.3.1- 2.3.1.1.*

**2.3.2 Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?**

*Since national parliaments cannot scrutinise or monitor delegated acts, they should pay special attention to provisions of legislative acts by means of adopting reasoned opinions (in case of abuse of powers by the Commission) as well as through the political dialogue.*

Accepted by:

Edmund Wittbrodt  
Chairman  
EU Affairs Committee  
Senate of the Republic of Poland



## **Portugal: Assembleia da República**

### **CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy**

#### **Questions:**

#### **1.1. Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?**

##### **1.1.1. If so, please specify the scope, procedure and timetable.**

*Assembleia da República*, and in particular the parliamentary standing committees responsible for matters concerning the Multiannual Financial Framework, have been involved up to date in the follow-up and scrutiny of Government action in the execution of public policies, namely those financed by EU funds. Similarly, the parliamentary committees have followed the beginnings of the discussion about the proposals regarding the MFF.

For the 2010/2011 Legislative Term, the Committee on Economic Affairs had established as one of the three priorities of its Plan of Activities the "*Follow-up of the execution of EU funds in Portugal and of the debate on the new multiannual financial perspectives*", through "*a process of monitoring of the discussion of new financial perspectives (...). Having in mind the nature of the problems with which the country is struggling and its insertion in a single market and in an Economic and Monetary Union, it is essential to follow-up, politically, a debate at this stage*". However, because of the dissolution of the Portuguese Parliament, this work was not undertaken, although it is expected that it will be started in the new Legislature by the competent parliamentary standing committees.

##### **1.1.2. If not, does it intend to do so?**

Not applicable.

#### **1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?**

Considering that the Portuguese Parliament began the XII Legislature on 20 June 2011 and the Parliamentary Committees were installed on 6 July, and that their competences were finally approved on 21 July at the Conference of Parliamentary Committee Chairmen, the European Commission's proposal for the Multiannual Financial Framework 2014-2020, published on 29 June 2011, has not yet been subject to scrutiny.

However, these matters have been debated, in particular within the framework of the discussion of the European Commission Work Programme for 2011, with the presence of Portuguese Members of the European Parliament.

Additionally, it should be referred that this matter is regarded as one of the scrutiny priorities of the Portuguese Parliament and will probably be examined jointly by the European Affairs Committee, the Committee on Budget, Finance and Public Administration and, lastly, the Committee on Economics and Public Works.

#### **1.3. What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?**

*See reply to question 1.2.*

**1.4. What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?**

The above questions have been the subject of discussion in *Assembleia da República*, in particular in the context of discussion of European draft acts or arising from the national political agenda on these matters. The Portuguese Parliament will probably undertake an in-depth examination of these matters within the scope of the scrutiny of the European Commission's draft act.

**1.5. Does your Parliament/Chamber support the Commission's proposals on the Europe 2020 Project Bond initiative?**

The main idea behind this initiative is the possibility for the European Union to support enterprises planning to issue bonds to finance major infrastructure projects in the context of the Europe 2020 Strategy. This specific matter, as part of the Europe 2020 Strategy – itself scrutinised and fully discussed in the parliamentary standing committees with responsibility for this matter– has not yet been the subject of in-depth consideration. Although the Portuguese Parliament agrees in majority with the creation of European bonds, their regulation and this specific context have not yet been considered .

**1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.**

*Assembleia da República* has considered that the Europe 2020 Strategy as such, as well as its objectives, should be financed within the MFF in order to promote its implementation, in particular in the context of widespread economic and financial crisis in the Eurozone.

**1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?**

*See reply to question 1.2.*

**1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States?**

Following the participation of a delegation from the Portuguese Parliament in the inter-parliamentary debate organised by the REGI Committee at the European Parliament in July 2010 on the *Impact and practical implications of the Treaty of Lisbon for cohesion policy*, the Members of the Committee on Economic Affairs had an in-depth discussion on the execution of the current programme and, in particular, on the preparation for the next financing period, in the context of the need to reinforce economic, social and territorial cohesion.

It was stressed the importance for *Assembleia da República* to follow-up the future development of EU financing instruments, *"in particular by their impact on the Portuguese economy at*

*national and, especially, at regional level*". In terms of action by Portugal, the conviction was also expressed about the need to achieve as wide a consensus as possible on its position and ambition about the future of the Cohesion Policy and the Structural Funds within the European Union.

In the light of the above, the Portuguese Parliament expresses the need to think carefully about the possibility of transferring funds from Sub-heading *1b – Cohesion for growth and employment* to Sub-heading *1a – Competitiveness* (given the current context of economic and financial crisis in Europe)<sup>9</sup>, and considers that this could compromise the promotion of economic, social and territorial cohesion, as stated in Article 174 TFEU.

**1.8. Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources?**

*Assembleia da República* considers that the proposal should be the subject of thorough discussion as to the different ways of promoting the efficient use of the resources of EU funds, in particular as to the re-use of (unspent) funds in future financial programme periods instead of being returned to Member States.

**CHAPTER 2: Two years after the entry into force of the Treaty of Lisbon - parliamentary experience**

**Questions:**

**2.1 Reasoned opinions**

**2.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned.**

*Assembleia da República* has not adopted any reasoned opinions since the entry into force of the Treaty of Lisbon.

Although some questions have been raised as regards the draft legislative act on the common organisation of agricultural markets and specific provisions for certain agricultural products ("single OCM" Regulation)<sup>10</sup> and as regards the draft legislative act on the conditions of entry and residence of third-country nationals for the purposes of seasonal employment<sup>11</sup>, the Portuguese Parliament has decided that either of the draft legislative acts did not breach the principle of subsidiarity.

**2.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission?**

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<sup>9</sup> See also the proposed structure of the next MFF (p. 30) in the Report on "Investing in the future: a new Multiannual Financial Framework (MFF) for a competitive, sustainable and inclusive Europe" (2010/2211(INI)), by the Special Committee of the European Parliament on the Policy Challenges and Budgetary Resources for a Sustainable European Union after 2013.

<sup>10</sup> [COM(2010)799]

<sup>11</sup> [COM(2010)379]

Not applicable.

**2.1.3. Were those replies sent within the Commission self-imposed time-limit of three months?**

Not applicable.

**2.1.4. Were those replies satisfactory? If not, please indicate why.**

Not applicable.

**2.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber?**

Not applicable.

**2.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases.**

Not applicable.

**2.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving the Commission's reply to a reasoned opinion? If so, please indicate the COM documents.**

Not applicable.

**2.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal?**

*Assembleia da República* considers that the experience of the application of the Treaty of Lisbon has shown that the eight-week period is sufficient to check compliance with the principle of subsidiarity and for scrutiny of the draft legislative act itself. Similarly, although the Portuguese Parliament has not adopted any reasoned opinions to date, that is purely a matter of political choice. It is worth adding that the Portuguese Parliament has pronounced, within the framework of informal political dialogue, on all draft legislative acts within the eight-week period.

**2.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion?**

The Portuguese Parliament has not considered the lack of a legal basis or the lack of (or insufficient) subsidiarity justification in the explanatory memoranda as a cause for a breach of the subsidiarity principle. Even in situations where questions were raised about the legal basis, the Portuguese Parliament has always done so within the framework of informal political dialogue.

**2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages?**

The Portuguese Parliament considers that, in general, impact assessments are well drafted documents and very relevant to an understanding of the draft legislative act adopted by the Commission and of its scope. However, there have been situations, such as the draft legislative act on a common consolidated corporate tax base<sup>12</sup>, where the impact assessments have not enabled a full understanding of the implications of the proposed measures.

As regards the possibility of impact assessments being translated into the EU official languages, the Portuguese Parliament considers that the implementation of this measure would be very important for transparency and a better understanding of EU draft legislative acts within Member States.

**2.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications.**

The Portuguese Parliament adopted a scrutiny procedure for EU draft legislative acts on 20 January 2010, following the entry into force of the Treaty of Lisbon. This procedure adapted the one set out in Law 43/2006 of 25 August, reflecting the new European legal framework, particularly with regard to periods and coordination between the European Affairs Committee and the other parliamentary standing committees.

Under this procedure, the European Affairs Committee receives European draft legislative acts and sends them to the competent parliamentary standing committees for information or for opinion. Whenever it is decided to draw up a report and opinion on a draft act, the relevant parliamentary standing committee has to do so within 6 weeks. The report and opinion are then forwarded to the European Affairs Committee, which considers the draft legislative act within a maximum of two weeks, paying particular attention to the legal basis and compliance with the principle of subsidiarity. If it is considered that the initiative complies with the principle of subsidiarity, the European Affairs Committee sends its Written Opinion, with the report and opinion of the responsible committee attached, to the President of the *Assembleia da República*, who sends it to the European institutions. On the other hand, when it is considered that there is a breach of the principle of subsidiarity, the European Affairs Committee presents a draft resolution to the Plenary, which if approved is sent to the European institutions in the form of a reasoned opinion.

During the course of its application, this procedure has undergone some changes, but only in aspects of its internal operation and not in relation to the procedure described above.

**2.2 Informal political dialogue**

**2.2.1. How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to the European Commission since the entry into force of the Treaty of Lisbon? Please specify the COM documents.**

*Assembleia da República* has approved and sent 220 written opinions within the framework of the informal political dialogue with the European Commission. These opinions were sent to the

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<sup>12</sup> [COM(2011)121]

European Commission, but also to the European Parliament and to the Council of the European Union. Attached is a list of the European draft acts to which the 220 written opinions relate.

**2.2.2. How many contributions did your Parliament/Chamber receive replies to from the European Commission?**

Since the entry into force of the Treaty of Lisbon, the Portuguese Parliament has received 12 replies from the European Commission.

**2.2.3. Were those replies satisfactory? If not, please indicate why.**

In general, the European Commission's replies are not satisfactory in terms of their content. Furthermore, all the replies follow the same predefined structure, which usually: a) commends the pronouncement by the Portuguese Parliament, b) stresses the importance of the draft act and, although offering some clarification of its content, repeats the arguments about the merit of its objectives and its benefits, c) emphasises the draft legislative act compliance with the principles of subsidiarity and proportionality, and d) expresses readiness to intensify the informal political dialogue with the Portuguese Parliament.

Frequently, the reply does not refer to the specific issues and relevant comments mentioned in the Written Opinion of the Portuguese Parliament and also fails to reply to them or answer to any criticisms, especially on issues related to matters concerning the Area of Freedom, Security and Justice, on which the "political dialogue" is clearly very limited. For example, the Commission has never answered to any Written Opinion of the Portuguese Parliament on those matters, which have expressed serious and well-founded reservations on several occasions.

In some replies, however, the Commission has made reference to the complete calendar/roadmap of European decision-making process, including the stages at the Council and the European Parliament, which has proved particularly useful to the work of the Portuguese Parliament.

Finally, the (formal) way in which the European Commission has generally replied to national Parliaments does not appear to uphold the desired "political dialogue" in a wholly satisfactory way (in terms of content). In fact, when the replies consist largely of stressing the virtues of the European Commission's draft acts and do not seek to answer to the observations presented by the Portuguese Parliament and fail to encourage discussion of the ideas, content and substance of the draft acts, as well as of the written opinions, they do not appear to lead to the intended "dialogue".

**2.2.4. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber?**

The European Commission's replies are received officially by the President of *Assembleia da República*, who sends them to the responsible parliamentary committee that contributed to the scrutiny, and to the European Affairs Committee. The committees send a copy to the MPs acting as rapporteurs and inform the committee members.

**2.2.5. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a contribution? If so, please provide the underlying reasons and specify the COM documents.**

To date, there have not been any cases in which the Portuguese Parliament has continued the informal political dialogue after receiving a reply from the European Commission. However, this

issue has been discussed by the European Affairs Committee and will be considered in future internal debates.

## **2.3 Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

### **2.3.1 Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?**

*Assembleia da República* considers that, in general, the draft acts providing for the adoption of delegated acts are appropriate means of ensuring the feasibility of certain measures. However, the Portuguese Parliament feels it must express reservations about the excessive use of this legislative technique, given that its use removes from the national Parliaments sphere of scrutiny measures that ought to be adopted in the form of a legislative act and not a delegated act.

#### **2.3.1.1 Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)?**

*Assembleia da República* considers that draft legislative acts containing delegation of power to the Commission to adopt non-legislative acts should be kept to a strict minimum. In many cases, draft legislative acts could themselves include executive measures that are planned to be implemented by means of delegated acts.

#### **2.3.1.2 Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?**

Draft legislative acts that delegate power to the European Commission to adopt non-legislative acts are not always in accordance with the provisions of the second paragraph of Article 290(1) TFEU. The lack of explicit definition, especially of the content and scope of application, raises justifiable doubts about the delegated acts which are subsequently adopted, particularly if they correspond to the delegation provided for in the legislative act.

### **2.3.2 Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?**

*Assembleia da República* considers that although national Parliaments are not legislators in the European decision-making process and there is no provision in the Treaties on their role in relation to delegated acts, a model of cooperation with the European institutions for the scrutiny of delegated acts should be established, even if only on an informal basis. In those situations where, exceptionally, the Member States are not responsible for taking the measures through domestic law in order to execute acts but where, instead, the European Commission is responsible for adopting non-legislative but legally binding acts, national Parliaments should be informed about the content of these acts and thus be able to pronounce to their Governments.

## **Romania: Camera Deputatilor**

### **CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy**

#### **Questions:**

**1.1. Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?**

Yes.

**1.1.1. If so, please specify the scope, procedure and timetable.**

The Standing Committee of the Chamber of Deputies, particularly the Committee on Budget, Finance and Banks and the Committee on European Affairs, have organised debates and hearings with a view to identify Romanian and European priorities regarding the new MFF 2014-2020.

A joint meeting of the Committees on European affairs from the Chamber of Deputies and the Senate took place in June with the participation of Mr. Dacian Ciolos, the Commissioner for Agriculture. One of the main topics debated was the future MFF and its implications on the CAP, the EU cohesion policy and EU 2020 strategy.

As of 1<sup>st</sup> September 2011 several meetings are planned between MP's from the Standing Committees of the Chamber of Deputies, including the European Affairs Committee, and the representatives of the Romanian Government with a view to establish the position of the Government on the further developments regarding the MFF 2014-2020.

**1.1.2. If not, does it intend to do so?**

**1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?**

A MFF period of 7 years for the future financial perspective is deemed as appropriate to the interest of Romania and is consistent to the preliminary position of Romania agreed in last December.

**1.3. What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?**

We believe that is important for the European Commission to submit a financial impact assessment of current proposals concerning the EU budgetary incomes and the way in which the future own resources are to be designed and implemented. That assessment would allow more substantial discussions.

**1.4. What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?**



Concerning the introduction of new own resources (financial transaction tax – FTT, European VAT), Romania remains open to consider those options. The issues related to FTT will have to be carefully assessed in order to avoid excessive burdens on the financial sector liable to generate distortion or delocalisation effects that might postpone a sustainable economic recovery. In this regard, we do think the FTT should be enforced homogeneously in the EU or even broader at G-20 level.

Taking also into account the dual nature of the FTT, both in the field of prudential regulation and in the tax field, we believe that, when employing this instrument, priority should be given to the convergence between those two aims and to the coherence with the other amendments of the regulatory framework of the financial sector.

**1.5. Does your Parliament/Chamber support the Commission's proposals on the Europe 2020 Project Bond initiative?**

Romania is open to the idea of exploring mechanisms able to support investments in the fields of transport and energy.

**1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.**

Romania has an interest that a significant weight in the policies supported by the EU budget should be placed in the future on the two main EU policies that we are benefiting from, i.e. the Cohesion Policy and the Common Agricultural Policy, respectively.

We welcome the strong link between the priorities financed by the EU budget and the objectives of the EU 2020 Strategy that is able to ensure a more efficient, strategic and integrated use of the EU financial resources in order to generate EU added value.

**1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?**

**1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States?**

The structure of the future financial framework proposed by the European Commission is deemed to contribute to the increase of its flexibility. We are aware that certain flexibility is needed, and the new category of sub-ceiling promoted by the European Commission might bring it about. But, we believe that priority should be given to the stability of available financing for the reimbursement of the expenditures already completed by the Member States, in the context of increasing burden on the national budgets caused by the financial crisis.

Competitiveness and cohesion are not mutually excluded objectives. Many depend on how one interprets the concept of competitiveness. When deciding on the transfer of funds from cohesion to competitiveness a right balance between efficiency and solidarity should be assured.

**1.8 Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources?**

The issue of how to treat unspent EU funds has not yet debated in the Chamber of Deputies. On the whole, Romania supports the principles proposed by the European Commission for the multiannual financial framework post-2013 (focusing on the priorities of the key policies, especially on the implementation of the EU 2020 strategy; on added value at the level of the European Union; on impact and results; ensuring benefits for the EU as a whole) and welcomes maintaining, among those, the principle of solidarity.

## **CHAPTER 2: Two years after the entry into force of the Treaty of Lisbon - parliamentary experience**

### **Questions:**

#### **2.1. Reasoned opinions**

**2.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned.**

On 18 May 2011, the Chamber of Deputies has adopted one reasoned opinion, namely that concerning the Proposal for a Council Directive on a Common Consolidated Corporate Tax Base (CCCTB) [COM (2011) 121].

**2.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission?**

Not applicable. The Commission self-imposed time-limit of three months has not yet lapsed.

**2.1.3. Were those replies sent within the Commission self-imposed time-limit of three months?**

Not applicable. Please see the answer to question 2.1.2.

**2.1.4. Were those replies satisfactory? If not, please indicate why.**

Not applicable. Please see the answer to question 2.1.2.

**2.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber?**

Not applicable. Please see the answer to question 2.1.2.

**2.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases.**

Not applicable. Please see the answer to question 2.1.2.

**2.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving the Commission's reply to a reasoned opinion? If so, please indicate the COM documents.**

Not applicable. Please see the answer to question 2.1.2.

**2.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal?**

Taking into account the Chamber of Deputies has only recently (on 19 April 2011) adopted a new legal framework on the participation of the Chamber in the European affairs (Decision of the Chamber of Deputies No 11/2011), this new framework will have to be assessed in the future.

On the other hand, the Chamber of Deputies has managed to comply with the eight-week period in performing the subsidiarity check on the documents that have been selected by our Chamber.

**2.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion?**

In the framework of the subsidiarity check the justification for a specific legal basis of a proposal is being assessed.

The reasoned opinion on the Proposal for a Council Directive on a Common Consolidated Corporate Tax Base (CCCTB) [COM (2011) 121] was determined, among others, by the insufficient subsidiarity justification.

**2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages?**

In the opinions issued, the Standing Committees of the Chamber of Deputies (mainly the European Affairs Committee) have commented on certain aspects contained in the impact assessments accompanying the EU draft legislation.

On the other hand, the bodies inside the Chamber of Deputies use the impact assessments in their single existing language (English).

**2.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications.**

Please see the answer to question 2.1.8.

**2.2. Informal political dialogue**

**2.2.1. How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to the European Commission since the entry into force of the Treaty of Lisbon? Please specify the COM documents.**

Since the entry into force of the Treaty of Lisbon, a number of 15 opinions have been issued in the framework of informal political dialogue by the Chamber of Deputies, as follows:

- an opinion issued on 25 October 2010 on the Proposal for a Decision of the European Parliament and of the Council establishing a European Union action for the European Heritage Label, COM(2010) 76;
- an opinion adopted on 24 November 2010 on the Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), COM(2010) 537;
- an opinion adopted on 24 November 2010 on the Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, COM(2010) 539;
- an opinion adopted on 23 March 2011 on the Communication from the Commission on the procedures for the scrutiny of Europol's activities by the European Parliament, together with national Parliaments, COM(2010) 776;
- an opinion issued on 24 May 2011 on the Communication from the Commission - Energy Efficiency Plan 2011, COM(2011) 109;
- an opinion adopted on 24 May 2011 on the Communication from the Commission - An EU Framework for National Roma Integration Strategies up to 2020, COM(2011) 173;
- two opinions issued on 1 June 2011 concerning the Proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes – COM(2011) 126, and the Proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions regarding the property consequences of registered partnerships – COM(2011) 127, respectively;
- an opinion on the Proposal for a Regulation amending Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents, COM(2011) 137;
- an opinion of 6 June 2011 on the Proposal for a Directive on credit agreements relating to residential property, COM(2011) 142;
- an opinion of 6 June 2011 on the White Paper - Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system, COM(2011) 144;
- an opinion of 6 July 2011 on the Proposal for a Council Directive amending Directive 2003/96/EC restructuring the Community framework for the taxation of energy products and electricity, COM(2011) 169;

- an opinion of 6 July 2011 on the Proposal for a Directive establishing minimum standards on the rights, support and protection of victims of crime, COM(2011) 275;
- an opinion of 6 July 2011 on the Proposal for a Council Directive on a Common Consolidated Corporate Tax Base (CCCTB), COM(2011) 121\*;
- an opinion of 27 July 2011 on the Communication - Our life insurance, our natural capital: an EU biodiversity strategy to 2020, COM(2011) 244;

**2.2.2. How many contributions did your Parliament/Chamber receive replies to from the European Commission?**

So far, the European Commission has sent two replies to the Chamber of Deputies, as follows:

- a reply of 17 February 2011 concerning the opinion issued on 26 October 2010 on the Proposal for a Decision of the European Parliament and of the Council establishing a European Union action for the European Heritage Label - COM(2010) 76;
- a (joint) reply of 18 April 2011 that concerned the opinions issued by the Chamber of Deputies on 1 December 2010 pertaining the Proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) – COM(2010) 537, and the Proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers – COM(2010) 539.

**2.2.3. Were those replies satisfactory? If not, please indicate why.**

Yes

**2.2.4. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber?**

The replies were discussed in the subsequent meetings of the Joint Committee on European Affairs. Due to recent changes in the scrutiny system in the Romanian Parliament (separate committees on European affairs in the two Chambers and the involvement of the sectorial committees) the following replies are to be debated in the committees which contributed to the drafting of the opinions.

The replies are also circulated to the committees involved in drafting of the opinions.

**2.2.5. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a contribution? If so, please provide the underlying reasons and specify the COM documents.**

Until now there have not been such cases. The new scrutiny procedure in the Chamber of Deputies provides the reopening of the examination in certain circumstances and the extension of the dialogue with the European Commission.

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\* Please note that the opinion listed here is distinct from the reasoned opinion issued on 18 May 2011 (see 2.1.1, *supra*) concerning the same proposal.

### **2.3. Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

**2.3.1 Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?**

When the assessment of the new legal framework on the participation of the Chamber of Deputies in the European affairs occurs, the issue of how to treat the proposals which provide for delegated acts will be explored.

**2.3.1.1 Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)?**

**2.3.1.2 Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?**

**2.3.2 Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?**

Please see the answer to question 2.3.1.

## **Romania: Senatul**

### **Chapitre 1 : Cadre financier pluriannuel pour la stratégie Europe 2020**

#### **Questions:**

**1.1. Est-ce que votre Parlement/Chambre a été activement impliqué/e à l'établissement de la position de votre gouvernement sur le CFP 2014-2020?**

**En cas de réponse affirmative, veuillez préciser la portée, la procédure et le calendrier.**

Les Commissions permanents responsables du Sénat ont décidé de s'impliquer activement dans le suivi du CFM 2014-2020, surtout en ce qui concerne les développements relatifs aux politiques considérées comme prioritaires pour la Roumanie.

Une rencontre sur ce sujet avec le Commissaire européen Dacian Ciolos et des tables rondes ont déjà eu lieu. A partir du mois de septembre un calendrier prévoit des rencontres régulières au niveau du Parlement auxquelles participeront les représentants du Gouvernement.

**1.1.1. En cas de réponse négative, a-t-il (-elle) l'intention d'y participer?**

**1.2. Quel est l'avis de votre Parlement/Chambre sur la proposition relative à la réduction de la durée du CFP de 7 à 5 ans?**

En ligne avec la position préliminaire de la Roumanie, agréée en décembre 2010, nous considérons que la durée 7 ans correspond mieux aux objectifs fixés.

**1.3. Quel est l'avis de votre Parlement/Chambre sur la proposition relative à la réduction des contributions des États membres au budget de l'UE basées sur le RNB?**

Dans l'ensemble, il est souhaitable que le budget puisse contribuer à la réduction des dépenses au niveau national à condition que les politiques fiscales financées par l'Union répondent à ses objectifs et valeurs. Cette orientation devrait être équilibrée par la promotion au niveau communautaire de mesures conférant une plus grande valeur ajoutée par rapport au niveau national.

Il est important que, en vue de débats plus soutenus, la Commission européenne présente l'impact financier de cette proposition par rapport à: la réduction des revenus du budget de l'UE, la structure et l'utilisation des ressources propres.

**1.4. Quelle est la position de votre Parlement/Chambre sur la proposition de la mise en place d'un nouveau système des ressources propres de l'UE, comprenant le régime relatif à la TVA modernisé et les taxes, notamment sur les émissions de dioxyde de carbone, le transport aérien, les bénéfices des sociétés, les transactions financières ou les produits énergétiques?**

Même si une position définitive n'a pas été adoptée en ce sens, au niveau du Parlement ont été exprimés des opinions favorables à l'introduction de taxes censées agir de manière positive sur la croissance et l'emploi de l'Union.

L'option envisageant l'introduction de nouvelles ressources propres doit être examinée par rapport aux coûts supplémentaires excessifs, capables de générer des distorsions dans le système à l'encontre de la croissance économique. Ainsi, il est souhaitable que la TTF soit appliquée de manière uniforme dans le cadre de l'UE, en poursuivant la convergence autant de la réglementation prudentielle que fiscale, de manière cohérente avec les autres modifications du cadre de réglementation fiscale.

**1.5. Est-ce que votre Parlement/Chambre soutient les propositions de la Commission relatives à l'initiative Europe 2020 concernant les emprunts obligatoires pour le financement de projets?**

A moyen terme, la piste des emprunts obligatoires censés assurer le financement des grands projets communautaires devrait être privilégiée.

La Roumanie est ouverte envers l'utilisation des mécanismes encourageant les investissements dans les secteurs transports et énergie.

**1.6. Est-ce que votre Parlement/Chambre est d'avis que le CFP 2014-2020 devrait permettre la mise en œuvre complète des objectifs de la stratégie Europe 2020, y compris le financement des initiatives visant à renforcer le marché unique? En cas de réponse négative, veuillez préciser les tâches/objectifs qui devraient être prioritaires et ceux qui pourraient être différés.**

Le Sénat apprécie que les deux politiques d'intérêt pour la Roumanie, la PAC et la politique de cohésion, doivent garder un poids important dans le budget de l'UE.

En même temps, il est envisageable que les priorités de financement du budget européen doivent tenir compte des objectifs de la Stratégie Europe 2020, afin de pouvoir générer une valeur ajoutée réelle à travers une meilleure utilisation des ressources communautaires

**1.7. Selon votre Parlement/Chambre, quelle devrait être la structure des dépenses budgétaires de l'UE dans le CFP 2014-2020?**

**1.7.1. Est-ce qu'un transfert potentiel de fonds de la sous-rubrique 1b (Cohésion pour la croissance et l'emploi) vers la sous-rubrique 1a (Compétitivité) serait avantageux pour la cohésion économique, sociale et territoriale de tous les États membres?**

En premier lieu, le futur CFM proposé par la Commission est censé tenir compte de la pression exercée par la crise économique sur les budgets nationaux. En ce sens, la stabilité du financement des dépenses déjà effectuées par les États membres devrait être attentivement observée. S'agissant d'une flexibilité accrue du CFM par le biais d'un financement externe, la Roumanie pourrait soutenir le financement des projets majeurs comme ITER, GMES, sous réserve d'une contribution partagée. Les modalités de financement de ces projets devraient être corrélées avec les allocations proposées par la Commission pour la PAC et la politique de cohésion.

De toute façon, la nouvelle orientation concernant la politique de cohésion visant des résultats et efficacité des dépenses selon des critères tels conditionnalité, réserve de performance, limitation des transferts à 2,5%, doit aller de pair avec le respect du principe de la solidarité en faveur des États Membres les plus pauvres.



**1.8. Compte tenu de l'insuffisance des ressources budgétaires et de la nécessité de leur efficace utilisation, est-ce que votre Parlement/Chambre serait en faveur de l'adoption d'un principe selon lequel les fonds de l'UE non dépensés, au lieu de revenir aux États membres, seraient utilisés en tant que ressources propres de l'UE au cours des exercices futurs?**

La Roumanie soutient les principes sur lesquels est construit le futur CMF, surtout en ce qui concerne la mise en œuvre de la stratégie Europe 2020, la valeur ajoutée du projet européen, l'impact financier et les résultats, visant une croissance générale de l'UE. Non en dernier lieu, le maintien du principe de la solidarité est censé renforcer la coopération entre les États membres.

**Chapitre 2 : Les expériences parlementaires deux ans après l'entrée en vigueur du Traité de Lisbonne**

**Questions:**

**2.1. Avis motivés**

**2.1.1. Combien d'avis motivés ont été adoptés dans votre Parlement/Chambre depuis l'entrée en vigueur du Traité de Lisbonne? Veuillez identifier les documents COM concernés.**

Le Sénat a adopté un nombre de 3 avis motivés pour les COM suivants :

1. Proposition de RÈGLEMENT du PE et du Conseil – COM(2010) 733 final (systèmes du domaine de la qualité des produits agricoles); 2. Directive du PE et du Conseil - COM (2011) 32 final (PNR) 3. Proposition de RÈGLEMENT du Conseil– COM (2011) 127 (partenariats enregistrés).

De même, des observations ont été adressées par rapport aux actes européens suivants: 1. COM (2011) 126 final (régime matrimonial); 2. COM (2011) 276 final (protection en matière civile); 3. COM (2011) 275 final (protection des victimes de la criminalité)

**2.1.2. Combien d'avis motivés de votre Parlement/Chambre ont reçu des réponses de la part de la Commission européenne?**

La Commission a répondu aux observations concernant Livre Vert sur le droit européen des contrats pour les consommateurs et les entreprises CM (2010) 348 final.

**2.1.3. Est-ce que ces réponses ont été envoyées dans le délai de trois mois que la Commission a imposé à elle-même?**

Oui.

**2.1.4. Est-ce que ces réponses étaient satisfaisantes? En cas de réponse négative, veuillez la motiver.**

La réponse a été satisfaisante.

**2.1.5. Pourriez-vous décrire comment les réponses de la Commission européenne ont été traitées par votre Parlement/Chambre?**

- 2.1.6. Selon la connaissance de votre Parlement/Chambre, est-ce que les avis motivés ont été reflétés dans les projets d'actes législatifs de l'UE? En cas de réponse affirmative, veuillez indiquer des cas précis.**
- 2.1.7. Est-ce que votre Parlement/Chambre a continué le dialogue avec la Commission européenne portant sur le projet d'acte législatif après avoir reçu la réponse à l'avis motivé de la part de la Commission? En cas de réponse affirmative, veuillez indiquer les documents COM concernés.**
- 2.1.8. Est-ce que votre Parlement/Chambre considère la période de huit semaines prévue pour le contrôle de la subsidiarité comme suffisante pour examiner la proposition de la Commission, du point de vue de la subsidiarité et des autres aspects de la proposition?**

La période de 8 semaines apparaît largement suffisante.

- 2.1.9. Est-ce que votre Parlement/Chambre a jamais considéré l'absence de la base légale ou l'absence (ou bien l'insuffisance) de la justification de la subsidiarité dans les exposés des motifs comme une violation du principe de subsidiarité en adoptant, en conséquence, un avis motivé?**
- 2.1.10. Quel est l'avis de votre Parlement/Chambre sur la qualité des analyses d'impact relatives aux projets d'actes législatifs de l'UE? Est-ce que les analyses d'impact relatives aux projets d'actes législatifs devraient être traduites intégralement vers toutes les langues officielles de l'UE?**
- 2.1.11. Est-ce que le mécanisme interne de contrôle de la subsidiarité de votre Parlement/Chambre est satisfaisant jusqu'à présent? Est-ce que cette procédure a été modifiée à un stade? En cas de réponse affirmative, veuillez décrire les modifications.**

Même si le mécanisme est en cours d'être amélioré, il répond dans cette étape aux préoccupations des sénateurs dans le domaine. Par rapport au commencement, le mécanisme est mieux articulé autour d'une collaboration à l'horizontale entre la Commission des affaires européennes et les commissions permanents du Sénat.

A moyen terme, la procédure devrait être peaufinée dans le sens d'une sélection plus ponctuelle qui privilégie un examen des actes prioritaires. En même temps, il est nécessaire d'intensifier le dialogue politique au de l'Exécutif en vue d'une meilleure information périodique du Parlement sur les principales initiatives législatives gouvernementales dans le prolongement des politiques européennes que le Gouvernement souhaite adopter au cours d'une année.

## **2.2. Dialogue politique informel**

- 2.2.1. Combien de contributions dans le cadre du dialogue politique informel avec la Commission européenne ont été envoyées par votre Parlement/Chambre à la Commission européenne depuis l'entrée en vigueur du Traité de Lisbonne? Veuillez indiquer les documents COM.**

- 2.2.2. Combien de réponses de la part de la Commission européenne ont été reçues par votre Parlement/Chambre?**
- 2.2.3. Est-ce que ces réponses étaient satisfaisantes? En cas de réponse négative, veuillez la motiver.**
- 2.2.4. Pourriez-vous décrire comment les réponses de la Commission européenne relatives à vos contributions sont-elles traitées dans votre Parlement/Chambre?**
- 2.2.5. Est-ce qu'il y avait des cas où votre Parlement/Chambre a continué le dialogue politique informel après avoir reçu la réponse de la part de la Commission européenne relative à une contribution? En cas de réponse affirmative, veuillez fournir une justification et indiquer les documents COM.**

### **2.3. Contrôle parlementaire et actes délégués (Article 290 TFUE)**

- 2.3.1 Veuillez décrire les avis de votre Parlement/Chambre relatifs aux propositions prévoyant des actes délégués (Article 290 TFUE)?**
  - 2.3.1.1 Est-ce que votre Parlement/Chambre a des préoccupations au sujet des actes délégués (du fait que dans certains cas les éléments essentiels des actes législatifs de l'UE sont soumis à l'application de l'Article 290 TFUE)?**
  - 2.3.1.2 Est-ce que les éléments essentiels d'un acte délégué (les objectifs, le contenu, le champ d'application et la durée) sont décrits d'une manière appropriée dans les propositions pertinentes?**
- 2.3.2 Est-ce que votre Parlement/Chambre prévoit une coopération possible avec les institutions de l'UE dans le cadre du suivi des actes délégués?**

## **Slovak Republic: Národná rada**

### **CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy**

#### **Questions:**

**1.1. Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?**

No.

**1.1.1. If so, please specify the scope, procedure and timetable.**

**1.1.2. If not, does it intend to do so?**

According to the Amended Rules of Procedure the Committee on European Affairs discusses and approves the legally binding acts and other acts of the EC/EU, which are discussed by the representatives of the governments of Member States of the EU. The Committee on European Affairs will continuously deal with the legislative acts issued within the context of preparation of the MFF after year 2013.

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**1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?**

We believe that the best alternative time duration of the MFF is to maintain the current 7 years period of the financial framework. 7 years duration of the MFF has been working in the past. We welcome the publication of the Commission's proposal on the next Multi-annual Financial Framework 2014-2020 (dated on June 29, 2011). We believe that the MMF post 2013 should be based on a balanced approach in order to reflect both budgetary austerity and an adequate financing of European policies.

**1.3. What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?**

The introduction of the GNI resource in the EU financing system was supposed to temporarily complement a decrease in own resources. The current system of own resources is excessively complex, opaque, lacks fairness and is finally incomprehensible to the European citizens. We consider, that it is necessary to simplify the present complex system of own resources. This could take place as from 2014 onwards in the form of the abolition of the own resource based on the value added tax. The removal of all the rebates and corrections designed for particular Member States should take place as well.

**1.4. What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?**

We agree on the necessity of finding new own resources. The effort in the area of own resources should concentrate on the abolition of the own resource based on the value added tax, which is considerably administratively demanding. We are open for the discussion on introducing of a potential new own resource. However, the introduction of a new EU VAT own resource is unacceptable, partly because of the economic tensions,

partly because of the need to maintain the national sovereignty in the tax policy of Member States. For the time being scepticism is expressed in connection with the proposed Financial Transaction Tax. With regard to some EC own resources proposals we deem necessary to do a detailed analysis of the introduction of the resource into practice.

**1.5. Does your Parliament/Chamber support the Commission's proposals on the Europe 2020 Project Bond initiative?**

The Project Bonds are definitely likely to attract private sector institutional investors to the sectors of transport and energy, specifically investors seeking long term investments in infrastructural projects. The projects should have sufficient economic return and should be guaranteed. We are interested in getting more details about guarantee and projects (project of the issuer). We are in doubt about the scheme, whether the presented mechanism would not crowd out investment in other sectors and thus make the capital allocation ineffective.

**1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.**

We consider, that the closing of negotiations in due time is a precondition for smooth start of the next Programming Period and reaching of European goals stipulated in EU 2020 Strategy. We appreciate the Commission's effort to address the EU challenges until end of the next MFF. The fulfilment of EU 2020 goals shall remain the key element for the next MFF. Activities focused on fulfilment of EU 2020 goals should go hand in hand with addressing the national and regional needs. Moreover the proposed changes shall reflect the existing national infrastructure networks, situation on labour market and the vacant work places within the economies concerned.

**1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?**

We prefer the structure of the MMF according to the strategy Europe 2020 with the sub-heading Cohesion policy.

**1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States?**

Definitely not. The goals of the above-mentioned sub-headings are quite different: cohesion (1b) and competitiveness (1a). In order to facilitate an efficient economic, social and territorial cohesion national and regional needs and constraints should also be reflected when setting up the priorities for particular Member State. In order to achieve higher European added value the result oriented approach supported with limited number of thematic priorities should serve as a basis for the future Cohesion policy.

**1.8. Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting**

**a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources?**

At this stage it is not possible to answer YES or NO. We suppose that this proposal could be feasible.

## **CHAPTER 2: Two years after the entry into force of the Treaty of Lisbon - parliamentary experience**

### **Questions:**

#### **2.1. Reasoned opinions**

**2.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned.**

One reasoned opinion have been adopted in the National Council of the Slovak Republic so far. The breach of the principle of subsidiarity was found in the Proposal for a Council Directive concerning a Common Consolidated Corporate Tax Base (CCCTB), COM (2011) 121.

**2.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission?**

None.

**2.1.3. Were those replies sent within the Commission self-imposed time-limit of three months?**

**2.1.4. Were those replies satisfactory? If not, please indicate why.**

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**2.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber?**

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**2.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases.**

According to our parliament's knowledge, this has not happened so far.

**2.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving the Commission's reply to a reasoned opinion? If so, please indicate the COM documents.**

This has not happened so far.

**2.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine**

**the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal?**

This is very individual. It depends on many circumstances – especially the amount of proposals launched into the legislative process at the respective time, their extent and scope. Having said that, it can be stated, that the 8-week period is generally a time long enough for an analysis when it comes to the majority of proposals. In some more complicated cases, which need a more profound analyses, an additional time would be helpful.

**2.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion?**

This has not happened so far.

**2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages?**

The impact assessments are a helpful tool in the process of a parliamentary scrutiny of legislative act proposals. They help to identify and better understand Committee's intentions and goals to be achieved with a legislative act proposal in question, as well as the background, other possible solutions and consequences of the intended legal regulation.

According to our opinion, it would be helpful to have the impact assessments translated in all the official EU languages, as is the obligation with all the legislative proposals.

**2.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications.**

The Chancellery of the National Council of the Slovak Republic adopted a mechanism on the preparation of reasoned opinion. According to this mechanism the Secretariat of the Committee on European Affairs cooperate closely with the Department of the European Union Agenda and also with the Legislative Unit. The final draft of reasoned opinion is approved by the Committee on European Affairs.

**2.2. Informal political dialogue**

**2.2.1. How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to the European Commission since the entry into force of the Treaty of Lisbon? Please specify the COM documents.**

None.

**2.2.2. How many contributions did your Parliament/Chamber receive replies to from the European Commission?**

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**2.2.3. Were those replies satisfactory? If not, please indicate why.**

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**2.2.4. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber?**

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**2.2.5. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a contribution? If so, please provide the underlying reasons and specify the COM documents.**

-

### **2.3. Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

**2.3.1 Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?**

Although the National Council of the Slovak Republic understands the importance of Delegated Acts of the European Commission (and the basic acts they are based upon), the parliament has not discussed this issue in any extensive way yet.

**2.3.1.1 Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)?**

Please, see answer to the question 2.3.1.

**2.3.1.2 Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?**

Please, see answer to the question 2.3.1.

**2.3.2 Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?**

The National Council of the Slovak Republic doesn't primarily focus on this matter, but doesn't exclude the possibility of its participation on such a project, if having the opportunity in the future.



Slovenia: Državni zbor

CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy

Questions:

1.1. Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?

No, the National Assembly has not been involved in establishing this position yet.

However, some of its working bodies have already discussed the issue.

1.1.1. If so, please specify the scope, procedure and timetable.

First, the Committee on EU Affairs and the Committee on Agriculture, Forestry and Food held a joint meeting on 11 March 2011 on the key challenges of the financial perspective of the EU after 2013 emphasizing the CAP where the experts as well as the Government representatives presented their views and held a debate with the members of both committees.

Second, at the meeting of the Committee on EU Affairs and the Committee on Foreign Policy on 15 July 2011, the Government presented its positions for the 3107th meeting of the Council (General Affairs). One of them generally dealt with the MFF. After the debate, the members of both committees adopted a conclusion confirming the positions, including the one on the MFF.

1.1.2. If not, does it intend to do so?

The Committee on EU Affairs intends to hold a broad debate on the MFF in the second part of September 2011 and thus to influence the position of the Republic of Slovenia (RS) on the MFF.

The MFF is also one of the most important issues of the declaration on the guidelines on the functioning of the RS within EU institutions for the period July 2011 - December 2012. Following the discussion of the draft declaration by all working bodies, the declaration is foreseen to be adopted at the plenary session of the National Assembly by the end of September 2011.

1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?

The proposal has not yet been debated by the National Assembly. As mentioned above, a broad debate at the Committee on EU Affairs is foreseen for the second part of September 2011.

1.3. What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?

See 1.2.

1.4. What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?

See 1.2.

However, at the meeting on 15 July 2011 the above-mentioned committees confirmed the Government's position which agrees with the proposal for the simplification of the own sources system and the abolition of the existing system of rebates. The RS remains open for discussion on new sources; however, neither the proposed tax on financial transactions nor the VAT have been clarified to such an extent that the RS could take a stance on this issue.

1.5. Does your Parliament/Chamber support the Commission's proposals on the Europe 2020 Project Bond initiative?

See 1.2.

1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.

See 1.2.

However, at the meeting on 15 July 2011 the above-mentioned committees confirmed the Government's position that the RS had expressed its expectations on several occasions that the next EU budget should support the pursuit of the objectives laid down in the Europe 2020 Strategy to a considerably larger extent.

1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?

See 1.2.

1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States?

See 1.2.

However, at the meeting on 15 July 2011 the above-mentioned committees confirmed the Government's position that the increase of resources in the budget being allocated to the competitiveness area is more than welcome, considering the present situation requiring an additional boost of the economy.

**1.8. Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources?**

**See 1.2.**

## **CHAPTER 2: Two years after the entry into force of the Treaty of Lisbon - parliamentary experience**

### **Questions:**

#### **2.1. Reasoned opinions**

**2.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned.**

**The National Assembly has not adopted any reasoned opinions.**

**2.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission?**

**See 2.1.1.**

**2.1.3. Were those replies sent within the Commission self-imposed time-limit of three months?**

**See 2.1.1.**

**2.1.4. Were those replies satisfactory? If not, please indicate why.**

**See 2.1.1.**

**2.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber?**

**See 2.1.1.**

**2.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases.**

**See 2.1.1.**

**2.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving the Commission's reply to a reasoned opinion? If so, please indicate the COM documents.**

See 2.1.1.

2.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal?

See 2.1.1.

However, based on previous experiences, the eight-week period could be sufficient.

2.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion?

See 2.1.1.

2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages?

This topic has never been discussed by the National Assembly.

2.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications.

The procedures for the subsidiarity control mechanism in the National Assembly taking into account the provisions of the Lisbon Treaty were adopted in December 2010 and entered into force in January 2011. Since then, no subsidiarity check has been conducted.

## 2.2. Informal political dialogue

2.2.1. How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to the European Commission since the entry into force of the Treaty of Lisbon? Please specify the COM documents.

The National Assembly has not sent any contributions.

2.2.2. How many contributions did your Parliament/Chamber receive replies to from the European Commission?

See 2.2.1.

2.2.3. Were those replies satisfactory? If not, please indicate why.

See 2.2.1.

**2.2.4. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber?**

**See 2.2.1.**

**2.2.5. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a contribution? If so, please provide the underlying reasons and specify the COM documents.**

**See 2.2.1.**

### **2.3. Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

**2.3.1 Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?**

**No such opinion has been adopted by the National Assembly.**

**2.3.1.1 Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)?**

**See 2.3.1.**

**2.3.1.2 Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?**

**See 2.3.1.**

**2.3.2 Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?**

**See 2.3.1.**

## Slovenia: Državni svet

### CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy

#### Questions:

**1.1. Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?**

No, the National Council of Slovenia has not been actively involved in establishing the position of the Slovenian Government on the MFF 2014-2020. But it will debate its positions in the forecoming sessions.

**1.1.1. If so, please specify the scope, procedure and timetable.**

**1.1.2. If not, does it intend to do so?**

No, the National Council will not be actively involved in establishing the position of the Slovenian Government on the MFF 2014- 2020.

**1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?**

Unfortunately the National Council has not discussed the matter yet.

**1.3. What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?**

The National council has not held any debate on the matter yet.

**1.4. What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?**

Unfortunately the National Council has not discussed the matter yet.

**1.5. Does your Parliament/Chamber support the Commission's proposals on the Europe 2020 Project Bond initiative?**

The National council has not held any debate on the matter yet.

**1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.**

The National Council (Commission for International Relations and European Affairs) has not discussed the matter yet; however next week it will hold a session, where it will discuss the role of Slovenia in the EU institutions, where it will among other things discuss the future MFF and full implementation of the Europe 2020 Strategy goals.

**1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?**

**1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States?**

Unfortunately the National Council has not discussed the matter yet.

**1.8. Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources?**

Unfortunately the National Council has not discussed the matter yet.

**CHAPTER 2: Two years after the entry into force of the Treaty of Lisbon - parliamentary experience**

**Questions:**

**2.1. Reasoned opinions**

**2.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned.**

The National council of Slovenia has not adopted any reasoned opinions since the entry into force of the Treaty of Lisbon.

**2.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission?**

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**2.1.3. Were those replies sent within the Commission self-imposed time-limit of three months?**

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**2.1.4. Were those replies satisfactory? If not, please indicate why.**

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**2.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber?**

/

**2.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases.**

/

**2.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving the Commission's reply to a reasoned opinion? If so, please indicate the COM documents.**

/

**2.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal?**

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**2.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion?**

/

**2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages?**

The matter has not yet been discussed in the National Council.

**2.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications.**

Yes, the internal subsidiarity control mechanism has been satisfactory so far, we have not modified the procedure at any stage.

## **2.2. Informal political dialogue**

**2.2.1. How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to**



**the European Commission since the entry into force of the Treaty of Lisbon?  
Please specify the COM documents.**

The National Council has not sent any contributions to the European Commission yet.

**2.2.2. How many contributions did your Parliament/Chamber receive replies to from the European Commission?**

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**2.2.3. Were those replies satisfactory? If not, please indicate why.**

/

**2.2.4. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber?**

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**2.2.5. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a contribution? If so, please provide the underlying reasons and specify the COM documents.**

/

### **2.3. Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

**2.3.1 Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?**

**2.3.1.1 Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)?**

Up till now no concerns have been raised in the National Council regarding the subject of the delegated acts.

**2.3.1.2 Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?**

The National council has not acquired any concerns about the description of the essential features of the delegated act.

**2.3.2 Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?**

The National council is always opened for cooperation, but has not established any concrete suggestions for cooperation with the EU institutions in the process of monitoring of delegated acts.

## **Spain: Cortes Generales**

### **CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy**

#### **Questions:**

**1.1. Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?**

**1.1.1. If so, please specify the scope, procedure and timetable.**

*The Joint Committee for EU Affairs established on February 9<sup>th</sup> 2010 a working group on the Budgetary Framework of the EU 2013-2020 and its impact on the Common Agricultural Policy and the Cohesion Policy. The scope of the working group was later modified, in order to deal with the revision of the financial perspectives of the EU, the system of the EU's own resources and the reform of the cohesion and common agricultural policies.*

*After a number of hearings of different Government ministers and high ranking officials of EU Institutions, Spanish Administrations and academia, a draft report was submitted by the working group to the Committee. The Report was adopted by the Joint Committee on June 14<sup>th</sup> 2011.*

*The Report included a number of conclusions.*

**1.1.2. If not, does it intend to do so?**

**1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?**

*The issue was raised repeatedly during the hearings, but the Report makes no specific recommendation.*

**1.3. What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?**

*According to the Report, the Joint Committee supports that the structure of the contribution to the EU Budget shall be established on the principles of equity in revenues and transparency, and therefore, is in favour of a system of resources based both on GNI, as well as on the EU traditional resources.*

**1.4. What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?**

*The Report' makes no specific recommendation on the issue.*

**1.5. Does your Parliament/Chamber support the Commission's proposals on the Europe 2020 Project Bond initiative?**

*The Report makes no specific recommendation on the issue.*

**1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.**

*The Report concludes that the Financial Perspectives 2014-2020 shall provide the financial means to the new powers entrusted to the EU by the Treaty of Lisbon and to the projects and actions included in the Europe 2020 Strategy. The Reports also specifically mentions the need to sufficiently fund some traditional policies like the common agriculture or cohesion policies.*

**1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?**

**1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States?**

*The Report recommends that the allocation of the Cohesion Policy Funds should take into consideration the objectives of the Europe 2020 Strategy. The Report stresses that unemployment must be given a heightened role and a number of new factors (as, for example, technological gap, innovation, school drop out or percentage of immigration population) shall be taken into consideration in the process of fund allocation.*

*Furthermore, the distribution of resources allocated to the objective of competitiveness should take into consideration the different levels of development of each region. It is also suggested that within the same objective, a number of subsections, with their own separate regimes, should apply in order to provide more accurately for the needs of each individual region.*

**1.8. Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources?**

*The Report makes no specific recommendation on the issue.*

**CHAPTER 2: Two years after the entry into force of the Treaty of Lisbon - parliamentary experience**

**Questions:**

- **Reasoned opinions**

**1.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned.**

*Since the entry into force of the Treaty of Lisbon, more than 34 reports have been adopted on different EU draft legislative acts.*

*Up to July 2011, the Joint Committee has considered that three draft legislative acts have not complied with the principle of subsidiarity and reasoned opinions were adopted and sent to the EU Institutions. These legislative acts are:*

- COM (2011) 169 final
- COM (2011) 215 final
- COM (2011) 216 final

*Please bear into account that the same reasoned opinion dealt jointly with COM (2011) 215 final and COM (2011) 216 final, due to the closeness of their object.*

**1.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission?**

*No reply from the Commission has yet been received, although it must be noted that the reasoned opinions were all adopted on June 14<sup>th</sup> 2011.*

**1.1.3. Were those replies sent within the Commission self-imposed time-limit of three months?**

**1.1.4. Were those replies satisfactory? If not, please indicate why.**

**1.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber?**

**1.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases.**

**1.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving the Commission's reply to a reasoned opinion? If so, please indicate the COM documents.**

**1.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal?**

*The issue of the time period has not been raised by the Committee so far.*

**1.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory**

**memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion?**

*Both reasoned opinions adopted by the Joint Committee found that the breach of the principle of subsidiarity were due either to a lack of justification (COM (2011) 169 final), or to an erroneous legal basis (COM (2011) 215 final and COM (2011) 216 final).*

**1.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages?**

*Impact assessments have not always been up to the required standards and have been considered as insufficient in a number of times.*

**1.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications.**

*The current control mechanism was adopted in May 2010 and has not been modified.*

## **2.2. Informal political dialogue**

**2.2.1. How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to the European Commission since the entry into force of the Treaty of Lisbon? Please specify the COM documents.**

*One such contribution has been made, in relation to COM (2010) 93 final.*

**2.2.2. How many contributions did your Parliament/Chamber receive replies to from the European Commission?**

*The Commission sent a reply in relation to this contribution.*

**2.2.3. Were those replies satisfactory? If not, please indicate why.**

**2.2.4. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber?**

*The reply is forwarded to the members of the Bureau of the Joint Committee and to the Spokespersons of the Groups in the Joint Committee. They are thus free to raise any issue related to the document at the next meeting of the bureau and spokespersons.*

**2.2.5. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a contribution? If so, please provide the underlying reasons and specify the COM documents.**

*No such case may be reported at the present time.*

### **2.3. Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

**2.3.1. Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?**

*The issue of delegated acts has not been debated by the Joint Committee.*

**2.3.1.1. Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)?**

**2.3.1.2. Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?**

**2.3.2. Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?**

## **Sweden: Riksdag**

The response to the 16<sup>th</sup> bi-annual report has been prepared by officials and must not be understood in any way to represent an official view of the Riksdag.

### **CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy**

#### **Questions:**

#### **1.1. Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?**

##### **1.1.1. If so, please specify the scope, procedure and timetable.**

##### **1.1.2. If not, does it intend to do so?**

The proposals from the Commission on the EU Multiannual Financial Framework for 2014-2020 were presented at the end of June, and the Swedish Parliament's Committee on Finance will follow up this issue in September. In addition, the Government consults the Riksdag through the Committee on EU Affairs ahead of every GAC and ECOFIN decision.

The Committee on Finance made a statement in March 2010 (Committee Report 2009/10:FiU29) regarding the Commission's Communication Europe 2020 – a strategy for smart, sustainable and inclusive growth. The Committee stated that restrictiveness is to characterise policy making in connection with the EU budget. The Committee also emphasised that a comprehensive review of priorities in EU budget expenditure is necessary and that the changes must be made without any increase in total budget expenditure. The following principles are to govern the budget: subsidiarity, European added value, proportionality, sound financial administration and restrictiveness.

#### **1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?**

This issue has not been dealt with by the Riksdag in a way that would make it possible to answer this specific question.

#### **1.3. What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?**

This issue has not been dealt with by the Riksdag in a way that would make it possible to answer this specific question.

**1.4. What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?**

This issue has not been dealt with by the Riksdag in a way that would make it possible to answer this specific question.

**1.5. Does your Parliament/Chamber support the Commission's proposals on the Europe 2020 Project Bond initiative?**

This issue has not been dealt with by the Riksdag in a way that would make it possible to answer this specific question.

**1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.**

This issue has not been dealt with by the Riksdag in a way that would make it possible to answer this specific question.

**1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?**

**1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States?**

In the statement mentioned under Q 1.1, the Committee on Finance states that there will be a need for increased investments in competitiveness, research and development, strategic investments in infrastructure projects and exchange programmes in the field of education. Issues such as cross-border crime, trafficking in human beings, drug trafficking and terrorism also need increased resources. These measures should not lead to an expansion of the EU budget, but to reductions in other areas.

**1.8. Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources?**

The issue of adopting a principle regarding unspent EU funds as proposed in the question has not been dealt with by the Riksdag in a way that would make it possible to answer this specific question. On a more general level, reference can be made to the statement mentioned under Q 1.1 in which the Committee on Finance points out that restrictiveness is to characterise policy making in connection with the EU budget.



## **CHAPTER 2: Two years after the entry into force of the Treaty of Lisbon - parliamentary experience**

### **Questions:**

#### **2.1. Reasoned opinions**

- 2.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned.**

The Riksdag has adopted the following five reasoned opinions since the entry into force of the Treaty of Lisbon:

- COM(2010) 368,
- COM(2010) 371,
- COM(2010) 486,
- COM(2010) 799,
- COM(2011) 121.

- 2.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission?**

The Riksdag received replies from the Commission in the following cases:

- COM(2010) 368,
- COM(2010) 371,
- COM(2010) 486.

- 2.1.3. Were those replies sent within the Commission self-imposed time-limit of three months?**

In two of the cases, COM(2010) 368 and COM(2010) 486, the reply from the Commission was clearly not sent within the time limit of three months. The reply to COM(2010) 371 was sent within three months from the expiration of the eight-week time limit, but not within three months if counted from the date of reception of the Riksdag's reasoned opinion.

- 2.1.4. Were those replies satisfactory? If not, please indicate why.**

The replies to COM(2010) 368 and COM(2010) 371 were satisfactory. However, the reply to COM(2010) 486 was not satisfactory. The Riksdag had serious objections to the proposal, the main one being that the legal basis on which the proposal rests is inaccurate. The Commission did not meet this fundamental objection in the answer to the Riksdag.

- 2.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber?**

There is no formal procedure on how the committees should deal with replies from the Commission. The replies are forwarded to the relevant committee and it is up to the committee to decide how it will deal with the reply.

**2.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases.**

None of the draft legislative acts have been adopted and it is therefore not clear whether and how the reasoned opinions have been taken into consideration in the final legislative act. However, as stated under Q 2.1.4 the Commission did not meet the fundamental objections in the answer regarding COM(2010) 486. The Commission instead included this proposal as part of the next proposal in COM(2010) 799. Therefore the objections from the Riksdag remain. There are also many ambiguities in the material regarding COM(2010) 799 and it is therefore not clear which amendments have been made in relation to the current regulation. The Commission has not yet replied to this.

**2.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving the Commission's reply to a reasoned opinion? If so, please indicate the COM documents.**

No, that has not been the case.

**2.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal?**

Eight weeks would normally be a sufficient period of time for examination. However, more clear and certain indications as to when a draft legislative act is to be expected would naturally facilitate the Riksdag's planning of subsidiarity checks.

**2.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion?**

The lack of legal basis or subsidiarity justification has not been a stand-alone objection in a reasoned opinion. However, breach of the legality principle has been put forward as the main objection in a reasoned opinion together with other objections in substance (see Q 2.1.4).

**2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages?**

Remarks on the impact assessments of draft legislative proposals have been made in two cases. The assessments of COM(2010) 486 were not satisfactory in substance. Additionally, there were hardly any assessments made at all for COM(2010) 799.

It is important that independent impact assessments are made as they play an important part in taking a position on a draft legislative act. Therefore, if looking beyond the cost aspects, it would be very valuable if these assessments were available in all EU official languages.

**2.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications.**

The internal control mechanism is subject to regular evaluation and follow-up. No modification in the procedure in the Riksdag has been made so far.

**2.2. Informal political dialogue**

**2.2.1. How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to the European Commission since the entry into force of the Treaty of Lisbon? Please specify the COM documents.**

The specialised committees have adopted a total of 38 statements, which have been submitted to the Commission. The statements related to the following documents:

COM(2010) 250, COM(2010) 284, COM(2010) 171, COM(2010) 66, COM(2010) 183, COM(2010) 212, COM(2010) 135, COM(2009) 647 together with COM(2010) 2020, COM(2009) 614, COM(2009) 622, COM(2009) 624, COM(2009) 329, COM(2011) 128, COM(2011) 579, COM(2011) 164, COM(2011) 144, COM(2011) 60, COM(2011) 48, COM(2010) 695, COM(2011) 747, COM(2011) 15, COM(2010) 547, COM(2010) 636, COM(2010) 776, COM(2010) 623, COM(2010) 608, COM(2010) 492, COM(2010) 571, COM(2010) 629, COM(2010) 586, COM(2010) 389, COM(2010) 348, COM(2010) 311, COM(2010) 561, COM(2010) 245, COM(2010) 291, COM(2010) 370, and COM(2010) 365.

**2.2.2. How many contributions did your Parliament/Chamber receive replies to from the European Commission?**

The Riksdag has received replies to 16 statements (however, please note that approximately 12 statements, to which the Riksdag has not received any replies, have been submitted to the Commission in recent months).

**2.2.3. Were those replies satisfactory? If not, please indicate why.**

The responses from the Commission have been received with satisfaction. The replies have been relevant and addressed the main issues and opinions in the statements and have also included information on how the submitted statements will be followed up. The Riksdag encourages the Commission to further elaborate on its replies in order to ensure that certain topics in the national parliament's statements are not left without comment. Additionally, it would have been appreciated if the replies could have been received within a shorter time-frame.

**2.2.4. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber?**

There is no formal procedure on how the committees should deal with replies from the Commission. The replies are forwarded to the relevant committee and it is up to the committee to decide how it will deal with the reply.

**2.2.5. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a contribution? If so, please provide the underlying reasons and specify the COM documents.**

No, that has not been the case. If the Commission's replies were to be received within a shorter time-frame, this could however increase the likelihood of a continued debate based on these replies.

**2.3. Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

**2.3.1 Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?**

The Riksdag has not formulated a general opinion on the possibility for the Commission to adopt delegated acts. When ratifying the Lisbon treaty, the Swedish Government stated that "The terms of delegation allow for the European legislators (i.e. the Council and European Parliament) to retain ultimate control over how this task is exercised [i.e. the Commission's use of delegated acts]. The introduction of delegated acts may make the legislative process more efficient. The Riksdag has not voiced a different opinion in the matter.

**2.3.1.1 Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)?**

No committee of the Riksdag has so far raised any concerns in relation to this matter in any of the proposals for delegated acts. See also answer to Q 2.3.1

**2.3.1.2 Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?**

No committee of the Riksdag has so far raised any concerns in relation to this matter in any of the proposals for delegated acts. See also answer to Q 2.3.1

**2.3.2 Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?**

This issue has not been dealt with by the Riksdag in a way that would make it possible to answer this specific question.

## **United Kingdom: House of Commons**

### **CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy**

#### **Questions:**

- 1.1. Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?**

The Committee has yet to consider the MFF 2014-2020. When it does it is likely to recommend the matter for debate, either in a European Committee or in plenary.

It is not therefore possible to supply answers to remaining questions in this section of the COSAC Questionnaire.

- 1.1.1. If so, please specify the scope, procedure and timetable.**

- 1.1.2. If not, does it intend to do so?**

- 1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?**

- 1.3. What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?**

- 1.4. What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?**

- 1.5. Does your Parliament/Chamber support the Commission's proposals on the Europe 2020 Project Bond initiative?**

- 1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.**

- 1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?**

- 1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States?**

- 1.8. Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting**

**a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources?**

**CHAPTER 2: Two years after the entry into force of the Treaty of Lisbon - parliamentary experience**

**Questions:**

**2.1. Reasoned opinions**

**2.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned.**

There have been two –

Investor Compensation Schemes COM (2010) 371

Taxation CCCTB  
COM (2010) 121

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**2.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission?**

One on COM (2010) 371, response dated 21.1.11

**2.1.3. Were those replies sent within the Commission self-imposed time-limit of three months?**

Yes, in relation to COM (2010) 371. The other is awaited.

**2.1.4. Were those replies satisfactory? If not, please indicate why.**

The European Scrutiny Committee did not take issue with the response.

**2.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber?**

They are considered by the European Scrutiny Committee and published on its website.

**2.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases.**

No.

**2.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving**

**the Commission's reply to a reasoned opinion? If so, please indicate the COM documents.**

No

**2.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal?**

The eight week period causes difficulty in two respects: the time required to receive an Explanatory Memorandum from the UK Government; and the time needed to ensure that debate on a Motion can be scheduled in order to secure the endorsement of the European Scrutiny Committee's recommendation by the House of Commons.

**2.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion?**

The European Scrutiny Committee considers lack of legal base to be a question of competence rather than subsidiarity. If there is no competence for the EU to act, subsidiarity cannot arise. Competence to act is, therefore, a necessary prerequisite to consideration of subsidiarity.

In the European Scrutiny Committee's opinion, the sufficiency of the subsidiarity justification should be a critical part of national parliaments' consideration of whether to issue a reasoned opinion. It is on procedural grounds that the Court of Justice is likely to find a breach of the principle of subsidiarity. So it welcomes this question being included in the questionnaire.

The Committee raised this issue — the absence of a “detailed statement” containing the necessary quantitative and qualitative indicators — as a ground of the breach of subsidiarity in its reasoned opinion on the CCCTB proposal:

“18. Section 2.4 of the impact assessment (on subsidiarity and proportionality) does not contain a “detailed statement” to make it possible to appraise compliance with the principle of subsidiarity (and proportionality), as required by Article 5 of Protocol No 2. The summary of the impact assessment states that the impact assessment followed the Guidelines of Secretariat General for Impact Assessments, which do not appear to include a provision for a detailed statement in accordance with Article 5 of Protocol (No 2) (see paragraph 11 above). Section 2.4 falls a long way short of the level of detail required to substantiate action at EU level, and also includes irrelevant considerations of legal base and compliance with the EU Charter on Fundamental Rights: [...]

“19. The presumption in Article 5 TEU is that decisions should be taken as closely as possible to the EU citizen. A departure from this presumption

should not be taken for granted but be justified with sufficient detail and clarity that an EU citizen can understand the qualitative and quantitative reasons leading to a conclusion that EU action rather than national action is justified. In its impact assessment the Commission has failed to discharge the obligations placed on it to present a detailed statement on subsidiarity by Article 5 of Protocol (No 2).”

**2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages?**

The Committee's usual focus is on the impact in the UK. For example, the Committee shared the UK Government's criticisms of the Commission's IA on the draft Directive on minimum health and safety requirements regarding the exposure of workers to risks arising from electromagnetic fields. The IA was seen as based on too limited a set of data to reflect the full scale and scope of the impact of the draft Directive and that, as a result, it underestimated the probable costs for industry.

The Commission's impact assessment is scrutinised far more closely when a subsidiarity concern arises, however. This is because the onus is on the Commission to show why a legislative objective is better regulated at EU level. As a general rule, the Committee finds Commission impact assessments not to contain the information required by the “detailed Statement” under Article 5 of the subsidiarity Protocol. Indeed, the Commission's Guidelines on impact assessment do not appear to have been changed to reflect the new emphasis on subsidiarity post the Lisbon Treaty.

**2.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications.**

The parliamentary procedure for dealing with the subsidiarity control mechanism has yet to be finalised. At present it falls to the Government to table and move the Motion to agree the reasoned opinion recommended by the European Scrutiny Committee. The Committee regards that as unsatisfactory and is in discussion with the Government on changing the procedure to one in which the Motion is tabled and moved by the chairman of the European Scrutiny Committee. The Committee's view is supported by a recent Report from the House of Commons Procedure Committee.

**2.2. Informal political dialogue**

**2.2.1. How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to the European Commission since the entry into force of the Treaty of Lisbon? Please specify the COM documents.**



Three opinions on subsidiarity submitted outside the time limit for submitting reasoned opinions:

COM(2010) 379 Seasonal workers

COM (2010) 368 Financial Services

COM (2011) 169 and COM (2011) 168, Energy Taxation

**2.2.2. How many contributions did your Parliament/Chamber receive replies to from the European Commission?**

COM (2010) 379 – response dated 21.1.11

COM (2010) 368 – response dated 7.3.11

**2.2.3. Were those replies satisfactory? If not, please indicate why.**

The European Scrutiny Committee did not take issue with the responses.

**2.2.4. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber?**

Considered by the European Scrutiny Committee and published on its website.

**2.2.5. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a contribution? If so, please provide the underlying reasons and specify the COM documents.**

No

**2.3. Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

**2.3.1 Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?**

The European Scrutiny Committee considers that Article 290 TFEU gives the Commission a much wider power to adopt delegated acts, which should be closely monitored by the EU legislature. It was pleased to see, therefore, that in the Common Understanding the Commission has undertaken to consult the Council and European Parliament in the preparation of delegated acts. The Committee thinks that delegated acts should be granted for a fixed, rather than indefinite, period of time, which should not be automatically renewed.

**2.3.1.1 Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)?**

The Committee has not formed a view on this yet.

**2.3.1.2 Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?**

The Committee has not formed a view on this yet.

**2.3.2 Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?**

## **United Kingdom: House of Lords**

### **1.1. Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?**

#### **1.1.1. If so, please specify the scope, procedure and timetable.**

The UK Government, along with a number of other Member States, made its general approach to the next MFF known last December. The primary contribution of the House of Lords to the debate surrounding the MFF is the report of the EU Select Committee, *EU Financial Framework from 2014*,<sup>13</sup> which was published on 5 April 2011. The report made a number of recommendations based on the Commission's Communication, The EU Budget Review. The Government has responded to the recommendations of this report.

### **1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?**

The Select Committee's report welcomed the proposal to shorten the MFF to five years. We supported the change because it would match the Parliament and Commission terms, making Parliament elections more meaningful. We also felt that the less flexible the MFF, the shorter it should be. It would in our view be unwise to lock in austerity for seven or ten years, and would also be likely to prove unacceptable to the European parliament. The economic situation in the EU will hopefully be much improved in a few years' time.

### **1.3. What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?**

Subject to the comments in 1.4 below, we will consider the detail of the Commission's proposal to reduce GNI contributions in due course.

### **1.4. What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?**

The Select Committee's report agreed with the UK Government that new own resources are an "unfortunate distraction". The issue was explored at length by the Discussion Circle on Own Resources of the Convention on the Future of Europe in 2003. These discussions were ultimately fruitless, and we cannot see that the forthcoming MFF negotiations will be any different. We are concerned that losing the VAT-based resource should not compromise the UK abatement.

### **1.5. Does your Parliament/Chamber support the Commission's proposals on the Europe 2020 Project Bond initiative?**

The Select Committee's report agreed that it was desirable to seek higher contributions from the private sector. Such initiatives may mitigate the need for budget increases to these areas. We

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<sup>13</sup> Available at <http://www.publications.parliament.uk/pa/ld201011/ldselect/ldecom/125/125.pdf>.

concluded that the use of private finance in conjunction with EU funds is acceptable as long as the private sector bears a fair share of the risk. The use of innovative financial instruments and other means of leveraging private investment should be explored with caution, particularly in Member States with limited administrative capacity. It should not be allowed to lead to the EU having to provide additional funds beyond its intended contribution.

**1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.**

The Select Committee's report argued that achieving the Europe 2020 strategy should be among the objectives of the next MFF. But this should be balanced with the need to fund other EU priorities (including development aid, protection of the environment and biodiversity, and the area of Freedom, Security and Justice) so as to respond clearly and collectively to the principal challenges facing the EU today. EU budgetary action in support of Europe 2020 should aim to complement that of the Member States in preparing their national reform programmes. In negotiating the MFF, governments and the EU should consider where EU spending is the most appropriate means to achieve the Europe 2020 goals. Alternative EU policy instruments, such as voluntary guidelines, the coordination of national policies, and legislation, may be more appropriate tools, depending on the goal in question.

**1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?**

In the straitened economic circumstances being experienced by many Member States at present, we agree with the UK Government that there should be no increase in the absolute quantum of the EU Budget in real terms over the next MFF. We believe that this will encourage efficiency and prioritisation at EU level. It should be clearly understood that the Framework sets a maximum budget which may not be exceeded, not a target to be aimed at or a forecast which might turn out to be wrong.

Though the Committee did not make a detailed recommendation on administration expenditure, it did commend Commissioner Lewandowski's recent initiative to challenge his colleagues to make savings.

**1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States?**

We have not taken a view on this. We did however recommend that further reflection should be undertaken soon, in preparation for the new MFF, on whether cohesion instruments can be better used to benefit poor regions across the EU as a counterbalance to the effects of current austerity measures.

**1.8. Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources?**

We have not considered this principle.

## **2.1 Reasoned opinions**

### **2.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned.**

The House of Lords has so far issued two reasoned opinions. On 20 October 2010 the House agreed a reasoned opinion on the Proposal for a Directive on the conditions of entry and residence of third-country nationals for the purposes of seasonal employment (COM 12208/10). On 3 November 2010 the House agreed a second opinion on the Proposal for a Regulation amending regulations (EC) No 1290/2005 and (EC) No 1234/2007, as regards distribution of food products to the most deprived persons in the Union (COM 13435/10).

### **2.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission?**

We received replies to both reasoned opinions.

### **2.1.3. Were those replies sent within the Commission self-imposed time-limit of three months?**

Yes.

### **2.1.4. Were those replies satisfactory? If not, please indicate why.**

We were disappointed at the quality of the reply to our reasoned opinion on the Seasonal Workers proposal. We received a generic reply, apparently addressed to all national parliaments, rather than a reply specifically addressing the concerns expressed in our opinion. The Chairman of the Committee recently wrote to Commissioner Sefcovic to raise this disappointment.

### **2.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber?**

Responses are circulated to the relevant EU Sub-Committee for consideration, following which they are considered by the EU Select Committee. They are also loaded onto the relevant Sub-Committee's website and printed in an annual compendium of Government and Commission responses to the Committee's reports.

### **2.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases.**

To our knowledge, the two reasoned opinions have not so far been reflected in EU draft legislative acts.

### **2.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving the Commission's reply to a reasoned opinion? If so, please indicate the COM documents.**

We have not continued dialogue on the substance of a reasoned opinion so far.

**2.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal?**

The eight week period is tight, but does usually allow sufficient time for the relevant aspects to be examined. The need for us to secure time in plenary in order for the House to take a view on a draft reasoned opinion could prove problematic, but the EU Committee has an undertaking from the business managers to make time available within the eight week deadline wherever possible.

**2.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion?**

We have not so far adopted a reasoned opinion on this basis.

**2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages?**

The EU Select Committee produced a report in March 2010, Impact Assessments in the EU: Room for Improvement? , which considered this issue and the views of stakeholders. The report highlighted some areas where we felt the situation was unclear and further investigation might be warranted. These included the conformity of Impact Assessments to the Guidelines, the production and use of Impact Assessments on comitology proposals, the adequacy of consultation exercises in the preparation of assessments, whether the SME test is working and the use of ex-post evaluation. We also felt that the Council and the Parliament could usefully make more use of the Commission's Impact Assessments. We have not taken a view on whether they should be translated into all EU official languages, but the costs to the Commission of doing this would have to be born in mind.

**2.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications.**

The internal process established in 2009 has been satisfactory so far.

## **2.2 Informal political dialogue**

**2.2.1. How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to the European Commission since the entry into force of the Treaty of Lisbon? Please specify the COM documents.**

19 reports have been sent to the Commission since 1 December 2009 within the informal political dialogue. Of these, 12 related to specific documents and 7 were overarching.

The reports sent were as follows:

- 1) Asylum Directives: scrutiny of the opt in decisions (COM(2009)554 and COM(2009)551)
- 2) Directive on Alternative Investment Fund Managers (COM(2009)207)

- 3) Impact Assessments in the EU: room for improvement
- 4) Protecting Europe against large-scale cyber-attacks (COM(2009)149)
- 5) The EU's Regulation on Succession (COM(2009)154)
- 6) Stars and Dragons: the EU and China
- 7) Adapting to climate change: EU Agriculture and forestry (COM(2009)147)
- 8) Making it work: the European Social Fund
- 9) The future regulation of derivatives markets: is the EU on the right track? (COM(2009)332 and COM(2009)563)
- 10) Combating Somali Piracy: the EU's Naval Operation Atalanta
- 11) The EU's Police Mission in Afghanistan
- 12) The United Kingdom opt-in to the Passenger Name Record directive (COM(2011)32)
- 13) The Future of Economic Governance in the European Union (COM(2010)522, COM(2010)523, COM(2010)524, COM(2010)525, COM(2010)526, COM(2010)527, COM(2010)250, and COM(2010)367)
- 14) The EU Financial Framework from 2014 (COM(2010)700)
- 15) The Workload of the Court of Justice of the European Union
- 16) Re-launching the Single Market (COM(2011)206)
- 17) Grassroots Sport and the European Union (COM(2011)12)
- 18) The EU Internal Security Strategy (COM(2010)673)
- 19) Innovation in EU Agriculture

**2.2.2. How many contributions did your Parliament/Chamber receive replies to from the European Commission?**

We received replies to 11 reports, with a second reply to two reports, making 13 in total. 2 items sent to the Commission did not solicit responses, and a number of reports have only been sent recently and are therefore awaiting a response.

**2.2.3. Were those replies satisfactory? If not, please indicate why.**

On the whole these replies have been satisfactory. The Committee wrote to the Commission following its response to the report on the EU and China as the Committee did not consider that the Commission had commented on all of the recommendations which it had been asked to.

**2.2.4. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber?**

Responses are circulated to the relevant EU Sub-Committee for consideration, following which they are considered by the EU Select Committee. They are also loaded onto the relevant Sub-Committee's website and printed in an annual compendium of Government and Commission responses to the Committee's reports.

**2.2.5. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a contribution? If so, please provide the underlying reasons and specify the COM documents.**

In the case of the report on the EU and China, mentioned above, the Committee wrote back to the Commission requesting a fuller response.

## **2.3 Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

### **2.3.1 Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?**

The House of Lords EU Select Committee looks at each proposal which confers power on the Commission to adopt delegated acts to ensure that the power is consistent with Article 290 TFEU. Some proposals involve many provisions for delegated legislation in highly technical contexts. These cases present practical problems for scrutiny.

#### **2.3.1.1 Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)?**

Concerns have been expressed in several cases in the course of scrutiny that the power to adopt delegated legislation might affect essential elements of the legislative act. Examples include Omnibus II (COM (2011) 8), the proposals in respect of agricultural funding (COM (2010) 537 & 539) and the Single CMO proposal (COM (2010) 799). There is a significant element of political judgment in determining what are essential or non-essential elements of legislative acts.

#### **2.3.1.2 Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?**

There have been instances where the legislative act does not clearly and specifically define the objectives of the delegated power. An example of this was our correspondence concerning agricultural funding. The Committee will in due course consider a new proposal concerning export guarantees where the delegated power can be used to amend the entire substantive element of the legislative act (COM (2006) 456).

### **2.3.2 Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?**

There is room for co-operation with the EU institutions as part of the normal exchange concerning any aspect of a legislative proposal. In addition there is room for co-operation in identifying in good time:

- delegated acts to which the European Parliament or the Council may object; and
- instances where either of these institutions are contemplating revoking the delegation in the legislative act.

LORD ROPER  
Chairman, EU Committee  
House of Lords  
25 July 2011

## **European Parliament**

### **CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy**

#### **Questions:**

#### **1.1 Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?**

(Not applicable as such to the EP)

The European Parliament has continued to ask for a genuine mid-term review as foreseen by the conclusions of the December 2006 European Council and by Declaration No 1 of the Interinstitutional agreement on budgetary discipline and sound financial management of 17 May 2006, via two QOs (an oral question to the Council and an oral question to the Commission) and two reports.<sup>14</sup>

The Commission eventually presented a Communication<sup>15</sup> in March 2010 that was more future-oriented (post-2013) than a mid-term review of the current multiannual financial framework (2007-2013).

Parliament decided to set up a special committee, the SURE Committee, to define its political priorities for the next financial framework. This committee completed its work on 8 June 2011 with a vote in plenary on the report by Mr Garriga Polledo which was adopted by 468 votes in favour to 134 against with 54 abstentions.

- Cf. the enclosed general summary of the content of the European Parliament resolution of 8 June 2011.

#### **1.1.2. If not, does it intend to do so?**

(Not applicable as such to the EP)

With respect to the European Parliament's participation in the negotiations, it should be pointed out that Parliament has to approve (by an absolute majority of its Members) the Council position on the proposal for the MFF regulation, in accordance with Article 312(2) of the TFEU, Paragraph 5 of this same Article also establishes that the institutions 'shall take any measure necessary to facilitate' the adoption of the MFF regulation. Parliament therefore fought hard during the negotiations on the 2011 budget for the establishment of a procedure to ensure negotiations between the institutions throughout the procedure so that this procedure does not fail.

In response to this request, Mr Victor Orban sent a letter to the EP President on 6 June 2011 proposing, with the agreement of the Polish and Danish Presidencies, that Parliament

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<sup>14</sup> Böge reports A6-0110/2009 and A7-0248/2010 (cf. EP Resolutions of 25 March 2009 - [P6\\_TA-PROV\(2009\)0174](#) and 22 September 2010 - [P7\\_TA-PROV\(2010\)0328](#)).

<sup>15</sup> 'A budget for Europe 2020 - Part I and Part II' COM(2011)500/I and /II.



representatives be invited to take part in an exchange of views before and after each meeting of the General Affairs Council (GAC) whenever the topic is on the agenda. Parliament's Conference of Presidents would appoint its representatives at the beginning of September.

## **1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?**

The European Parliament's position has been consistently in favour of a duration that gives greater democratic legitimacy to the decision on the multiannual financial framework and which is thus in phase with the terms of office of the EP and of the Commission (5 years), so that each of the two institutions can, during its respective term of office, be involved in the decision on, or in the implementation of, a multiannual financial framework<sup>16</sup>.

In its resolution of 8 June 2011 (see above) the EP made the following statements:

156. *Underlines that the choice of the duration of the next MFF should strike the right balance between stability for programming cycles and implementation of individual policies, and the duration of the institutions' political cycles –in particular those in the European Commission and the European Parliament-; recalls that a longer period requires greater flexibility;*
157. *Believes that a 5-year cycle fully complies with the Parliament's expressed will to align, as much as possible, the MFF duration with the duration of the institutions' political cycles, for reasons of democratic accountability and responsibility; is concerned, however, that a 5-year cycle might be too short at this stage for policies which need a longer term programming (i.e. cohesion, agriculture, TENs) and would not fully comply with those policies' programming and implementation life cycle requirements;*
158. *Notes that the 10-year MFF, as proposed by the Commission in the Budget Review, could provide substantial stability and predictability for the financial programming period but, as the overall ceilings and the core legal instruments would be fixed for ten years, it will increase the rigidity of the MFF and render the adjustments to new situations extremely difficult; considers, however, that a 5+5 cycle could only be envisaged if an agreement on a maximum level of flexibility, including an obligatory mid-term review, was reached with the Council and enshrined in the MFF regulation;*
159. *Takes the view that for the next MFF a 7-year cycle, set until 2020, should be the preferred transitional solution as it could provide for more stability by ensuring the continuity of the programmes for a longer period, and also make a clear link with the Europe 2020 strategy; stresses, however, that all options for the duration of the next MFF are subject to sufficient funding and an adequate and well-resourced flexibility within and outside the framework to avoid the problems encountered during the 2007-*

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<sup>16</sup> Cf in particular the EP resolutions of:  
7 May 2009 on the impact of the Treaty of Lisbon on the development of the institutional balance of the European Union [P6\\_TA-PROV\(2009\)0387](#), paragraphs 49 to 51 (cf. Dehaene report, A6-0142/2009),  
7 May 2009 on the financial aspects of the Lisbon Treaty [P6\\_TA-PROV\(2009\)0374](#), paragraphs 11 to 16 (cf. Guy-Quint report, A6-0183/2009), and  
25 March 2009 on the Mid-Term Review of the 2007-2013 Financial Framework, paragraph 7, [P6\\_TA-PROV\(2009\)0174](#) (cf. Böge report, A6-0110/2009).

*2013 period;*

160. *Believes that a decision on a new 7-year MFF should not pre-empt the possibility of opting for a 5 or 5+5 year period as of 2021; reiterates its conviction that a synchronisation of the financial programming with the mandate of the Commission and the European Parliament will increase democratic responsibility, accountability and legitimacy;*

### **1.3 What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?**

As the negotiations have not yet begun, the European Parliament does not have a position at this stage.

Parliament is in favour of a level of resources that is sufficient to finance the EU's existing priorities and the new competences that it has been given by the Treaty of Lisbon.

- This point is covered in paragraphs 161 to 165 of the Garriga Polledo report adopted in plenary (cf. EP resolution of 8 June 2011), and in particular in paragraph 167 in which Parliament comes out in favour of ‘the introduction of one or several genuine own resources for the Union, in order to replace the GNI-based system’.

### **1.4 What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?**

Over the last few years, the European Parliament has made calls for a reform of the current system of own resources<sup>17</sup>.

On 29 June 2011, the Commission made proposals on new own resources and suggested convening a Financial Conference in line with Parliament’s wishes. As the negotiations have not yet started, there is no official reaction by Parliament to the Commission proposal.

- This point is covered in paragraphs 166 to 171 of the Garriga Polledo report adopted in plenary (cf. EP resolution of 8 June 2011), in which Parliament welcomes consideration of these different possibilities for new own resources.

### **1.5 Does your Parliament/Chamber support the Commission’s proposals on the Europe 2020 Project Bond initiative?**

### **1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.**

- These points are covered in paragraphs 39 to 47 of the Garriga Polledo report adopted in plenary (cf. EP resolution of 8 June 2011).

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<sup>17</sup> Lamassoure report A6-0066/2007 (cf. EP resolution of 29 March 2007 [P6\\_TA-PROV\(2007\)0098](#)).

**1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?**

- These points are covered in paragraphs 129 to 142 of the Garriga Polledo report adopted in plenary (cf. EP resolution of 8 June 2011). In paragraph 142, Parliament proposes the following structure:

<b>1. Europe 2020</b>
<b>1a. Knowledge for growth</b>
Including research and innovation, education and lifelong learning and internal market policies.
<b>1b. Cohesion for growth and employment</b>
Including cohesion (economic, social and territorial) and social policies.
<b>1c. Management of natural resources and sustainable development</b>
Including agriculture, rural development, fisheries, environment, climate change, energy, and transport policies.
<b>1d. Citizenship, freedom, security and justice</b>
Including culture, youth, communication and fundamental rights and freedom, security and justice policies.
<b>2. Global Europe</b>
Including external action, neighbourhood and development policies.
<b>3. Administration</b>

**1.8 Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting a principle that unspent EU**

## **funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources?**

The European Parliament has made quantitative improvements in the implementation of the budget and concerning unused appropriations from the EU budget one of its main demands during the annual procedures.

- It is also in favour of using unspent funds used in future accounting periods as EU own resources rather than returning these to the Member States, as is currently the case (paragraph 149 of the Garriga Polledo report adopted in plenary, cf. EP resolution of 8 June 2011. See also paragraph 67).

## **CHAPTER 2: Two years after the entry into force of the Treaty of Lisbon - parliamentary experience**

### **Questions:**

#### **2.1. Reasoned opinions**

##### **2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages?**

In its resolution on "guaranteeing independent impact assessments" adopted on 8 June 2011 (Rapporteur: MEP Ms Angelika Niebler), the European Parliament lays down a series of recommendations on the requirements for impact assessments at the European level with a view to enhancing their efficiency and independence.

#### **Questions to the European Parliament**

##### **2.1.12 Could you please describe how reasoned opinions issued under Protocol 2 and contributions<sup>18</sup> of national Parliaments issued under the informal political dialogue with the European Commission are dealt with in the European Parliament?**

Following the entry into force of the Lisbon Treaty, the European Parliament amended its Rules of Procedure (RP) in order to implement the new mechanism under Protocol No. 2 and set up an internal procedure for dealing with both reasoned opinions and contributions from national Parliaments. Pursuant to Rule 38a(4) RP, Committees must refrain from adopting reports before the lapse of the period of eight weeks which is provided under Protocol No. 2.<sup>19</sup>

In its reply the European Parliament notes that definitions of the terms "reasoned opinion" and "contribution" have been established by its Committee on Legal Affairs, which is responsible to oversee respect of the principles of subsidiarity and proportionality. "Reasoned opinions" are submissions on the non-compliance of a draft legislative act with the principle of subsidiarity that are communicated to the European Parliament within the eight week deadline referred to in

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<sup>18</sup> The generic term "contribution" means an opinion, a conclusion, a resolution or any other document issued by a national Parliament in the framework of the informal political dialogue with the European Commission.

<sup>19</sup> Except in the cases of urgency referred to in Article 4 of the Protocol on the role of national Parliaments in the European Union.

Article 6 of Protocol No. 2 of the Treaty of Lisbon. "Contributions" are any other submissions which do not fulfil the criteria for a reasoned opinion.

### **Treatment of reasoned opinions**

Reasoned opinions from national Parliaments should be addressed to the President of the European Parliament and be transmitted to a specific e-mail address<sup>20</sup>.

Alternatively, they may be sent by ordinary mail to the President of the European Parliament<sup>21</sup>

Upon reception, and pursuant to Rule 38a(3) RP, all reasoned opinions are referred to the Committee(s) responsible for the draft legislative act and forwarded for information to the Committee on Legal Affairs (JURI), which examines them and forwards them for translation into all official EU languages in line with the decision of the Conference of Committee Chairs in December 2010<sup>22</sup>.

Reasoned opinions are distributed to all Members of the concerned Committees, are included in the file for the Committee meeting and published on the "meeting documents" section of the Committee website page. Furthermore, the text of draft legislative resolutions must make reference to any reasoned opinions received in relation to their subject matter.

The European Parliament also provides details on the procedure that is followed in case specific thresholds (i.e. numbers of votes allocated to national Parliaments) are reached. Where reasoned opinions represent at least one third of all the votes allocated to the national Parliaments or a quarter in the case of a proposal for a legislative act submitted on the basis of Article 76 TFEU, Rule 38a(5) RP states that Parliament shall not take a decision until the author (e.g. Commission) of the proposal has stated how it intends to proceed. In accordance with Rule 38a(6) RP, where, under the ordinary legislative procedure, reasoned opinions represent at least a simple majority of the votes allocated to the national Parliaments, the Committee responsible for the subject-matter, having considered the reasoned opinions submitted by the national Parliaments and the Commission, and having heard the views of the Committee responsible for respect of the principle of subsidiarity, may recommend to Parliament (Plenary) that it reject the proposal on the grounds of infringement of the principle of subsidiarity or submit to Parliament any other recommendation, which may include suggestions for amendments related to respect of the principle of subsidiarity. The opinion given by the Committee responsible for respect of the principle of subsidiarity must be annexed to any such recommendation. The recommendation must then be submitted to the Plenary for a debate and vote. If a recommendation to reject the proposal is adopted by a majority of the votes cast, the President must declare the procedure closed. Where Parliament does not reject the proposal, the procedure must continue, taking into account any recommendations approved by Parliament.

### **Treatment of contributions**

According to the European Parliament's definition, contributions are any submissions which do not fulfil the criteria for a reasoned opinion. They may thus refer to the views of national Parliaments on substantive provisions, the legal basis or policy choices of a draft legislative proposal, but also to the views of a national Parliament on an EU document which does not necessarily come under

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<sup>20</sup> The address is the following: [documentsreception@europarl.europa.eu](mailto:documentsreception@europarl.europa.eu)

<sup>21</sup> The correspondence address is 'Unit for the Reception and Referral of Official Documents, DG Presidency, European Parliament, B-1047 Brussels, Belgium'.

<sup>22</sup> Except Maltese and Gaelic (see the decision of the Conference of Committee Chairs of December 2010 - v).

the scope of Protocol No. 2. A submission which positively assesses a given legislative proposal's compliance with the principle of subsidiarity is also treated as a contribution. Contributions should be sent to a dedicated e-mail address<sup>23</sup>.

Following Rule 130(4) RP, upon reception contributions are referred to the Committee(s) responsible for the *ratio materiae*/file. The transmission of contributions (as well as Commission replies to the submissions of NPs) to the relevant EP Committees is done by the Directorate for Relations with National Parliaments (Legislative Dialogue Unit). Committee secretariats are then responsible for the transmission of contributions to their Committee Chairs and/or Rapporteurs who, in turn, may request translation of contributions respecting the principle of equal treatment (i.e. all contributions relating to the particular file must be translated).

### **Further actions**

The European Parliament's Directorate for Relations with National Parliaments circulates to all Committee secretariats, political groups and any other interested EP services a monthly summary table and an explanatory note outlining the reasoned opinions and contributions pertaining to draft legislative proposals coming under the scope of Protocol No. 2 received during the preceding month. The Conference of Committee Chairs receives these documents for information.

The summary table, which includes links to the text of all reasoned opinions and contributions received since the entry into force of the Lisbon Treaty, to OEIL<sup>24</sup> and to the IPEX website<sup>25</sup>, is also accessible via the EP Intranet (consequently the COSAC secretariat and all national parliamentary representatives accredited to the European Parliament have access to it).

#### **2.1.13 Have any reasoned opinions and contributions of national Parliaments been reflected in the legislative documents of the European Parliament? If so, please indicate specific cases.**

The European Parliament is particularly keen on ensuring respect of draft legislative acts with the principle of subsidiarity. To this end, it has adapted its Rules of Procedure and has established a procedure for reception and treatment of reasoned opinions and contributions in order to facilitate the proper implementation of Protocol No. 2. It is the only EU institution to translate all reasoned opinions (and potentially contributions) in all languages, thus allowing its Members to fully take into account the views expressed by national Parliaments.

Legislative reports of the European Parliament systematically make express reference to reasoned opinions received in the context of Protocol No. 2. In its reply the European Parliament gives four examples of reports and resolutions in different legislative areas and concludes that the impact of Protocol No. 2 on the legislative process is increasing as the procedure matures. It is confident that the internal procedures that are in place operate efficiently and contribute to achieving the objectives set by the Lisbon Treaty and its Protocols and reiterates its commitment to and active support for further advancing its cooperation with national Parliaments.

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<sup>23</sup> The address is: [national.parliaments@europarl.europa.eu](mailto:national.parliaments@europarl.europa.eu)

<sup>24</sup> The Legislative Observatory of the European Parliament.

<sup>25</sup> IPEX's web address is: <http://www.ipex.eu/IPEXL-WEB/home/home.do>

COM (2010) 368: Proposal for a Directive of the European Parliament and of the Council on Deposit Guarantee Schemes [recast].

The draft legislative resolution adopted by the Committee on Economic and Monetary Affairs (ECON)<sup>26</sup> and submitted on 14 June 2011 to Parliament for adoption makes specific reference in the fifth recital to its Preamble to the reasoned opinions of the Danish *Folketing*, the German *Bundestag*, the German *Bundesrat* and the Swedish *Riksdag*, which express the view that the draft legislative act does not comply with the principle of subsidiarity.

COM(2010) 379: Proposal for a Directive of the European Parliament and the Council on the conditions of entry and residence of third-country nationals for the purposes of seasonal employment.

The European Parliament's legislative report was adopted on 8 June 2011 by the Committee on Civil Liberties, Justice and Home Affairs (LIBE).<sup>27</sup> The fourth recital to the Preamble of the draft legislative resolution makes explicit reference to the reasoned opinions received from the Austrian *Nationalrat*, the Austrian *Bundesrat*, the Czech *Poslanecká sněmovna*, the Czech *Senát*, the Netherlands *Eerste Kamer* and the Netherlands *Tweede Kamer* which take the view that the draft legislative act does not comply with the principle of subsidiarity.

COM(2010) 537: Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development.

The draft legislative resolution adopted by the Committee on Agriculture and Rural Development (AGRI)<sup>28</sup> and submitted on 20 April 2011 to Parliament for adoption makes specific reference in its fourth recital to its Preamble to the reasoned opinions received from the Lithuanian *Seimas*, the Luxembourg *Chambre des Députés* and by the Polish *Sejm* and *Senat* which take the view that the draft legislative act does not comply with the principle of subsidiarity.

COM(2010) 176: Proposal for a Council Decision laying down rules for imports into the European Union from Greenland of fishery products, live bivalve molluscs, echinoderms, tunicates, marine gastropods and by-products thereof.

The European Parliament adopted its legislative resolution on 6 April 2011, following the report of its Committee on Fisheries (PECH).<sup>29</sup> The legislative resolution makes reference to the reasoned opinion received in the framework of Protocol No. 2, which takes the view that the draft legislative act does not comply with the principle of subsidiarity, without however naming explicitly the Parliament issuing it (in this case the Portuguese *Assembleia da República*).

To sum up, the impact of Protocol No. 2 on the legislative process is increasing as the procedure matures. The European Parliament is confident that the internal procedures that have been established operate efficiently and contribute to achieving the objectives set by the Lisbon Treaty

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<sup>26</sup> Rapporteur: Mr Peter Simon MEP.

<sup>27</sup> Rapporteur: Mr Claude Moraes MEP.

<sup>28</sup> Rapporteur: Mr Paolo De Castro MEP.

<sup>29</sup> Rapporteur: Mrs Carmen Fraga Estévez MEP.

and its Protocols. The Institution gladly welcomes the role given to national Parliaments under Protocol No. 2 and, more generally, their involvement in the European political dialogue. As noted in the explanatory memorandum to Parliament's 'Report on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon' that was adopted in March 2009:

The European Parliament has not just taken a benevolent view of the measures which have increased the importance of the role played by the national parliaments; it has actively supported the process.<sup>30</sup>

To this end the European Parliament reiterates its commitment to further advancing its cooperation with national Parliaments.

### **2.3 Parliamentary scrutiny and delegated acts (Article 290 TFEU)**

#### **2.3.1 Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?**

**2.3.1.1 Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential elements of EU legislative acts are subject to the application of Article 290 TFEU)?**

**2.3.1.2 Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?**

#### **2.3.2 Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?**

The European Parliament adopting last 3rd of March, the Common understanding on practical arrangements for the use of delegated act, has also decided to evaluate this Common Understanding after one year of operation, in order to monitor its functioning and to initiate a revision of it with the Commission and the Council, if necessary.

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<sup>30</sup> [A6-0133/2009](#), Rapporteur: Mr. Elmar Brok MEP.



## **EP resolution on the Multiannual Financial Framework (2014-2020)**

P7\_TA-PROV(2011)0266

### **European Parliament resolution of 8 June 2011 on Investing in the future: a new Multiannual Financial Framework (MFF) for a competitive, sustainable and inclusive Europe (2010/2211(INI))**

*The European Parliament,*

- having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management<sup>31</sup>,
  - having regard to the Treaty on the Functioning of the European Union and in particular Article 312 thereof,
  - having regard to its resolution of 29 March 2007 on the future of the European Union's own resources<sup>32</sup>,
  - having regard to Council Decision 2007/436/EC, Euratom of 7 June 2007 on the system of the European Communities' own resources<sup>33</sup> and its implementing rules,
  - having regard to the Communication from the Commission on the EU Budget Review (COM(2010)0700),
  - having regard to its decision of 16 June 2010 setting up a special committee on the policy challenges and budgetary resources for a sustainable European Union after 2013<sup>34</sup>,
  - having regard to the contributions from the Austrian *Nationalrat*, the Czech Chamber, the Danish *Folketinget*, the Estonian *Riigikogu*, the *Deutscher Bundestag*, the *Deutscher Bundesrat*, the Irish *Oireachtas*, the Lithuanian *Seimas*, the Latvian *Saeima*, the Portuguese *Assembleia da República*, the Dutch *Tweede Kamer*, and the Swedish *Riksdagen*,
  - having regard to Rule 184 of its Rules of Procedure,
  - having regard to the report of the Special committee on the Policy challenges and budgetary resources for a sustainable European Union after 2013 and the opinions of the Committee on Development, the Committee on Environment, Public Health and Food Safety, the Committee on Industry, Research and Energy, the Committee on Transport and Tourism, the Committee on Regional Development, the Committee on Agriculture and Rural Development, the Committee on Culture and Education and the Committee on Women's Rights and Gender Equality (A7-0193/2011),
- A. whereas the Parliament decided to set up a special committee with the following mandate:

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<sup>31</sup> OJ C 139, 14.6.2006, p. 1.

<sup>32</sup> OJ C 27 E, 31.1.2008, p. 214

<sup>33</sup> OJ L 163, 23.6.2007, p. 17.

<sup>34</sup> Texts adopted, P7\_TA(2010)0225.

- (a) to define the Parliament's political priorities for the post-2013 MFF both in legislative and budgetary terms,
  - (b) to estimate the financial resources necessary for the Union to attain its objectives and carry out its policies for the period starting 1 January 2014,
  - (c) to define the duration of the next MFF,
  - (d) to propose, in accordance with those priorities and objectives, a structure for the future MFF, indicating the main areas of Union activity,
  - (e) to submit guidelines for an indicative allocation of resources between and within the different headings of expenditure of the MFF in line with the priorities and proposed structure,
  - (f) to specify the link between a reform of the financing system of the EU budget and a review of expenditure to provide the Committee on Budgets with a sound basis for negotiations on the new MFF,
- B. whereas the special committee should present its final report before the Commission submits its proposals on the next MFF,
  - C. whereas in accordance with Article 311 of the Treaty on the Functioning of the European Union, the Union is to provide itself with the means necessary to attain its objectives and carry through its policies and is to be financed wholly from own resources,
  - D. whereas in accordance with Articles 312(5) and 324 of the Treaty on the Functioning of the European Union, the European Parliament must be properly involved in the process of negotiating the next MFF,
  - E. whereas the entry into force of the Treaty of Lisbon strengthens Union policies and creates new fields of competence which should have a reflection in the next MFF,
  - F. whereas the challenges faced by the Union and its citizens, such as the global economic crisis, the rapid rise of emerging economies, the transition to a sustainable society and resource efficient economy, tackling climate change, demographic challenges, including the integration of immigrants and the protection of asylum seekers, the shift in the global distribution of production and savings to emerging economies, the fight against poverty, as well as the threats of natural and man-made disasters, terrorism and organised crime, require a strong response from the Union and its Member States,
  - G. whereas the European Union carries more weight at international level than the sum of its individual Member States,
  - H. whereas the main target of EU cohesion policy should continue being the reduction of still existing social, economic, and territorial disparities across the Union, and whereas a visible and successful cohesion policy has a European Added Value by itself and should benefit all EU Member States,
  - I. whereas EU citizens have become more demanding of the Union and also more critical of its performance; and whereas public ownership of the Union will only return when its citizens are confident that their values and interests are better served by the Union,

- J. whereas the Europe 2020 strategy should help Europe recover from the crisis and emerge stronger, through job creation and smart, sustainable and inclusive growth; whereas this strategy is based on five Union headline targets on promoting employment, improving the conditions for innovation, research and development, meeting climate change and energy objectives, improving education levels and promoting social inclusion, in particular through the reduction of poverty,
- K. whereas the Union budget is a powerful agent for reform; and whereas its impact can be magnified if it mobilises additional sources of private and public finance to support investment, acting thus as a catalyst in the multiplying effect of Union spending; whereas the so-called ‘just retour’ principle has no economic rationale, since it does not take due account of European Added Value, spill-over effects and the need for solidarity between EU countries,
- L. whereas, according to Article 3 TEU, sustainable development of Europe should be based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment,
- M. whereas the principle of sound financial management is one of the basic principles for the implementation of the Union budget; and whereas many Member States are making difficult fiscal adjustments to their national budgets; and whereas sound financial management -efficiency, effectiveness, economy- have become increasingly important in public spending, both at Union and Member State levels,
- N. whereas the provisions for the periodic adjustment of expenditure programmes to changing needs and circumstances have been insufficient; and whereas the complex nature of regulations and rules has been one of the reasons for underperforming management and control systems,
- O. whereas the first four years of the current 2007-2013 MFF have clearly illustrated the limits of the capacity of the financial framework to accommodate new developments and priorities without jeopardising existing ones; and whereas the current MFF has been incapable of responding rapidly to new commitments such as Galileo, ITER, the Food Facility or the European Economic Recovery Plan,
- P. whereas the introduction of the GNI resource in 1988 in the EU financing system was supposed to temporarily complement a decrease in own resources, but was prolonged and reinforced over the years and is today the main component of EU budgetary resources; whereas this predominance has emphasized Member States’ tendency to calculate their net balance, the consequence of which is a series of rebates, corrections, exemptions and compensations which renders the current system of own resources excessively complex, opaque, with insufficient links to existing Union policies and lacks fairness and is therefore incapable to ensure a transparent and efficient financing of Union policies in the European interest, and is finally totally incomprehensible to the European citizens,
- Q. whereas, in its resolution of 8 March 2011 on innovative financing at global and European level, the European Parliament approved the introduction of a Financial Transaction Tax (FTT), which ‘could help to tackle the highly damaging trading patterns in financial markets, such as some short-term and automated high-frequency trade transactions, and curb speculation’,

### ***Part I: Key challenges***

1. Believes that the challenges ahead -whether demography, climate change or energy supply - are areas where the European Union, which is much more than the sum of its Member States, can demonstrate its added value;
2. Notes that the current crisis and severe constraints in public spending have made it more difficult for Member States to progress further in terms of growth, greater competitiveness, the pursuit of economic and social convergence and to participate fully in the internal market; strongly believes, that the solution to the crisis is more and not less Europe;
3. Considers that ‘Sustainable resources for the European Union’ means first and foremost to rethink the ‘resource system’ of the EU-Budget in order to replace the current national contributions with genuinely European resources;
4. Considers that the recent events show that the Euro zone is in need of bolder economic governance and that a monetary pillar without a social and economic pillar is doomed to fail; considers it essential for the Union to reinforce its system of economic governance in order to ensure the implementation of the EU2020 strategy (restore and to safeguard long-term economic growth rates), to prevent a repetition of the current crisis and to safeguard the European project;

#### *Building a knowledge-based society*

5. Points out that the crisis has highlighted the structural challenges which most of the Member States’ economies must face: suboptimal productivity, high levels of public debt, large fiscal deficits, structural unemployment, persistent barriers in the internal market, low labour mobility and outdated notions for skills, contributing to poor growth; underlines the need for investments in key areas such as education, research and innovation, in order to overcome these structural challenges and stresses the importance to reverse the trend of falling public investments;
6. Recalls that on current investment trends, Asia may by 2025 be at the forefront of scientific and technological developments; recalls however that these changes not only represents huge challenges but also opportunities, such as a sharp growth in export potential for the EU; notes that in tertiary-level academic and vocational education, the Union are lagging behind as only about 30 European universities rank amongst the world’s top 100; stresses that Europe is also falling behind in the skills race and draws attention to the fact that by 2020, 16 million more jobs will require high qualifications while the demand for low skills will drop by 12 million jobs;

#### *Combating unemployment*

7. Considers that one of the great challenges facing the European Union is that of maintaining its competitiveness, increasing growth, combating high unemployment, focusing on properly functioning labour markets and on social conditions to improve employment performance, promoting decent work, guarantee workers’ rights throughout Europe as well as working conditions and reducing poverty;

#### *The challenge of demography*

8. Insists that the Union must tackle its demographic challenge; notes that the combination of a smaller working population and a higher share of retired people will place additional strains on its welfare systems and its economic competitiveness;

#### *Climate and resource challenges*

9. Is concerned that the expansion of the world population from 6 to 9 billion will intensify global competition for natural resources and put additional pressure on the global and local environment; notes that demand for food is likely to grow by 70 % by 2050 and that the inefficient and unsustainable use and management of raw materials and commodities exposes citizens to harmful competition between food, nature preservation and energy production, as well as costly price shocks; it can have also severe consequences for industry with regard to business opportunities, including restrictions on access to raw materials, threatening economic security and contributing to climate change; stresses therefore the need for the EU to immediately take action and lead the process towards an economy based on sustainable use of resources;
10. Draws attention to the increasing global consumption of energy and to the fact that dependence on energy imports is set to increase, with the Union importing by 2050 nearly two thirds of its needs if current energy policies are not adequately altered and if the EU and Member States do not increase efforts to develop their own renewable energy sources and to realize their energy efficiency potential, taking full account of the EU's energy and climate commitments as well as safety aspects; warns that price volatility and supply uncertainties will also be exacerbated by political volatility in energy-rich countries; asks therefore to diversify supply routes and trading partners;
11. Supports the idea that the ensemble of all EU funding taken together should lead to an improvement in the general state of the European environment hereunder a reduction in GHG emissions that at least corresponds to the objectives in the present EU legislation; proposes therefore that positive and negative climate and environment effects of the spending of EU-funds should be analysed on aggregated levels;

#### *Internal and external security and personal freedoms*

12. Takes the view that globalisation has increased a sense of vulnerability by dissolving the boundaries between internal and external forms of freedom, justice and security; is convinced that addressing 21st century security challenges while safeguarding fundamental rights and personal freedoms therefore requires global and anticipatory responses, which only an actor the size of the Union can provide; is convinced that the external dimension of EU security is closely connected to democracy, rule of law and good governance of third countries and that the EU has a special responsibility to contribute to this;

#### *Europe in the world: becoming an assertive player*

13. Is convinced that the Union, as a major political, economic and trading power, must play its full role on the international stage; recalls that the Treaty of Lisbon gives new tools to better project European interests and values worldwide; emphasises that the Union will add value on the global scene and influence global policy decisions only if it acts collectively; insists that stronger external representation will need to go hand in hand with stronger internal co-ordination;

### *Delivering good governance*

14. Is convinced that strengthening the sense of public ownership of the Union must become a driving force of collective action; believes that delivering ‘good governance’ is by far the Union’s most powerful means of ensuring the continuous commitment and engagement of its citizens;

### ***Part II: Optimising delivery: the role of the EU budget***

#### *European added value and the cost of non-Europe*

15. Underlines that the main purpose of EU budgetary spending is to create European added value (EAV) by pooling resources, acting as a catalyst and offering economies of scale, positive transboundary and spill-over effects thus contributing to the achievement of agreed common policy targets more effectively or faster and reducing national expenditure; recalls that, as a principle, any duplication of spending and overlapping of allocated funds in various budget lines must be avoided and that EU spending must always aim at creating greater value than the aggregated individual spending of Member States; considers that the multi-annual financial framework, rightly used, constitutes a very important instrument for long-term planning of the European project by taking into account the European perspective and added value of the Union;
16. Draws attention to the following areas as potential candidates for greater synergy and economies of scale: the European External Action Service, humanitarian aid and more specifically an EU rapid response capability, the pooling of defence resources, research, development and innovation, big infrastructure projects (particularly in the field of energy and transport) and financial market oversight;
17. Considers that, alongside the subsidiarity check through the national parliaments anchored in the Treaty of Lisbon, an assessment of the EAV must be undertaken for each legislative proposal with budgetary relevance as a matter of best practice; insists, however, on the fact that the assessment of EAV needs more than a ‘spreadsheet’s approach’ and that a political evaluation needs to examine whether the planned action will contribute efficiently and effectively to common EU objectives and whether it will create EU public goods; notes that the main and most important elements of the EAV, such as peace, stability, freedom, freedom of movement of people, goods, services and capital, cannot be assessed in numerical terms;
18. Stresses the need to prove all EU spending for consistency with Treaty obligations, the *acquis communautaire* or major EU policy objectives; highlights that EAV can be generated not only by expenditure, but also by European legislation and by coordination of national and EU policies on economic, fiscal, budgetary and social fields; is convinced that the European Added Value of spending under the future MFF must be enhanced; stresses that EU funding should, wherever possible, contribute to more than one EU policy objective at a time (e.g. territorial cohesion, climate change adaptation, biodiversity protection);
19. Is strongly of the opinion that investments at EU level can lead to significantly higher savings at national level, notably in areas where the EU has undeniably more added value than national budgets; strongly believes that the EAV principle should underpin all future negotiations on the EU budget; welcomes, therefore, the Commission’s commitment to

launch a comprehensive analysis of the ‘costs of non-Europe’ for the Member States and the national budgets; calls on the Commission to publish this report in due time to allow taking it into account during the negotiation process of the next MFF;

20. Calls for a better coordination between the EU budget and the Member States’ national budgets in financing the common political priorities; reiterates the need to coordinate the spending of public funds from planning to implementation in order to assure complementarity, a better efficiency and visibility, as well as a better streamlining of the EU budget; believes that the new economic and budgetary policy coordination mechanism (the ‘European semester’) should play an important role in aligning the policy targets across Europe and with the EU goals and thus help achieving the desired budgetary synergies between the EU and the national budgets;

#### *An efficient budget*

21. Considers that, while the principle of EAV should be used to guide future decisions determining priorities in expenditure, the efficient and effective use of appropriations should lead the implementation of different policies and activities;
22. Stresses that in order to achieve optimal results for sustainable growth and development on the ground, solidarity and cohesion; priority should be given to the improvement of synergies between all funds of the EU budget that have an impact on economic development and to an integrated approach between different sectors, the development of result-oriented policies and, where appropriate, the use of conditionalities, the ‘do no harm’ and ‘polluter pays’ principles, success factors and performance and outcome indicators;

#### *Using the budget to leverage investment*

23. Reminds that the EU budget is primarily an investment budget, which can generate more investment from public or private sources; considers that attracting additional capital will be crucial to reach the significant amounts of investment needed to meet the Europe 2020 policy objectives; emphasises, in particular, the need to maximise the impact of EU funding by mobilising, pooling and leveraging public and private financial resources for infrastructures and large projects of European interest, without distorting competition;
24. Takes note of the development since the 1990’s of institutionalised public-private partnerships (PPPs) in the Union, inter alia in the transport sector, in the area of public buildings and equipment, and the environment, as forms of cooperation between public authorities and the private sector and an additional delivery vehicle for infrastructure and strategic public services; is, however, concerned about some underlying problems incurred by PPPs and insists that the design of future PPPs must take into account lessons learned and rectify past deficiencies;
25. Takes note of the previous generally positive experience of the use of innovative financial instruments -including grant and loan blending and risk-sharing mechanisms, such as the Loan Guarantee Instrument for Trans-European Transport Network projects (LGTT), the Risk Sharing Finance Facility (RSFF) and the instruments of cohesion policy (JEREMIE, JESSICA, JASPERS and JASMINE)- in order to address a specific policy objective; considers that the Union should take action notably to enhance the use of the EU funds as a catalyst for attracting additional financing from the EIB, EBRD, other international financial institutions and the private sector;

26. Calls therefore on the Commission to propose measures to extend the system of innovative financing, after its detailed examination and following a precise assessment of public and private investment needs as well as a methodology for the coordination of funding from different sources; calls on Member States to ensure that their national legal framework enables the implementation of these systems; calls, therefore, for substantive strengthening of the regulatory, budgetary and operational framework of these mechanisms, in order to ensure their effectiveness in terms of leveraging investment, sustainability, proper use of EU resources and to guarantee adequate monitoring, reporting and accountability; insists moreover on the need to ensure that underlying risks are quantified and duly taken into account;
27. Notes the historical difficulties of finding private investors for large scale EU projects; recognises that the financial crisis has made private investors even more reluctant to finance EU projects and has revealed the need to rebuild sufficient confidence to allow major investment projects to attract the support they need; stresses that the support of the EU budget will be needed, in short as well as longer term, to attract and mobilise private funds towards projects of EU interest, especially for those projects with European added value that are economically viable but are not considered commercially viable;
28. Welcomes, therefore, the Europe 2020 Project Bond Initiative, as a risk-sharing mechanism with the European Investment Bank (EIB), providing capped support from the EU budget, that should leverage the EU funds and attract additional interest of private investors for participating in priority EU projects in line with Europe 2020 objectives; calls on the Commission to present a fully fledged proposal on EU project bonds, building on the existing experience with joint EU-EIB instruments, and to include clear and transparent criteria for project eligibility and selection; reminds, that projects of EU interest which generate little revenue will continue to require financing through grants; is concerned that the limited size of the EU budget might eventually impose limitations to providing additional leverage for new initiatives;
29. Reiterates the need to ensure utmost transparency, accountability and democratic scrutiny for innovative financial instruments and mechanisms that involve the EU budget; calls on the Commission to propose an implementation and project eligibility framework -to be decided through the ordinary legislative procedure- that would ensure a continuous flow of information and participation of the budgetary authority regarding the use of these instruments across the Union, allowing Parliament to verify that its political priorities are met, as well as a strengthened control on such instruments from the European Court of Auditors;

#### *Ensuring sound financial management*

30. Considers that improving implementation and quality of spending should constitute guiding principles for achieving the optimal use of the EU budget and for the design and management of the programmes and activities post 2013;
31. Stresses, furthermore, that the design of spending programmes should pay utmost attention to the principles of clarity of objectives, full compliance with the community acquis and complementarity of instruments and actions, harmonisation and simplification of eligibility and implementation rules, transparency, and full and agreed accountability; underlines the importance of gender budgeting as a good governance tool to improve efficiency and fairness;



32. Emphasises, in particular, that the simplification of rules and procedures should be a key horizontal priority and is convinced that the revision of the Financial Regulation should play a crucial role in this respect;
33. Stresses that the improvement of the financial management in the Union must be supported by a close monitoring of progress in the Commission and in the Member States; insists that Member States should assume responsibility for the correct use and the management of EU funds and issue annual national declarations on the use of EU funds at the appropriate political level;
34. Emphasises the need to address the trend of a growing level of outstanding commitments (RAL); recalls that, according to the Commission, the level of RAL will by the end of 2013 amount to EUR 217 billion; notes that a certain level of RAL is unavoidable when multiannual programmes are implemented, but underlines nevertheless that the existence of outstanding commitments by definition requires corresponding payments to be made; does therefore not agree with the approach by the Council to decide on the level of payments a priori, without taking into account an accurate assessment of the actual needs; will therefore do its utmost throughout the annual budget procedure in the next MFF to reduce the discrepancy between commitment and payment appropriations through increasing the level of payments appropriately;
35. Strongly believes that an assessment of the strengths and weaknesses of each Member States' management and control systems in individual policy areas is necessary in order to improve the quality of Member States' management and control of EU funds; further believes that better management, less bureaucracy and more transparency, as well as better, not more, controls are necessary to increase the efficiency and effectiveness of EU funds, also with regard to their absorption rate; considers, in this respect, that a balance needs to be found between the level of control and its cost;
36. Underlines the importance of legal certainty and budgetary continuity for the successful implementation of multi-annual policies and programmes; believes, therefore, that rules should not change during programming periods without due justification and adequate impact assessment, as this can result in higher transition costs, slower implementation and increasing risk of error;
37. Stresses that institutional capacity is one of the key elements for successful development, implementation and monitoring of Union policies; considers, accordingly, that strengthening institutional and administrative capacity at national, regional and local level could underpin structural adjustments and contribute to smooth and successful absorption of EU resources;

### ***Part III: Political priorities***

38. Recalls that the entry into force of the Treaty of Lisbon strengthens Union policies and gives the Union significant new prerogatives, notably in the fields of external action, sport, space, climate change, energy, tourism, and civil protection; stresses that this requires sufficient financial resources; recalls in this context Article 311 TFEU which requires the Union to provide itself with the means necessary to attain its objectives and carry out its policies;

*A budget supporting Europe 2020 objectives*

39. Believes that the Europe 2020 strategy should be the main policy reference for the next MFF; maintains, at the same time, that Europe 2020 is not an all-inclusive strategy covering all Union policy fields; stresses that other Treaty-based policies pursuing different objectives need to be duly reflected in the next MFF;
40. Takes the view that the Europe 2020 strategy should help the EU recover from the crisis and come out stronger by improving the conditions for - and expenditure on- innovation, research and development, meeting the EU's climate change and energy objectives, improving education levels and promoting social inclusion, in particular through reduction of poverty; notes that Europe 2020 is intended to address not only short term economic growth and financial stability, but longer term structural transformation to a more sustainable growth path based on more efficient use of resources;
41. Considers that the current content of the Europe 2020 strategy, such as the headline targets, flagship proposals, bottlenecks and indicators remain of a very general nature and calls on the Commission to submit more detailed proposals; considers, furthermore, that the re-launch of the single market is an essential element of the Europe 2020 strategy which increases the synergy between its various flagship initiatives; underlines that the objectives of the strategy can only be achieved through concrete commitments from Member States in their National Reform Programmes, policies with proven delivery mechanisms and concrete and consistent legislative proposals;
42. Stresses, moreover, that the Europe 2020 strategy can only be credible if consistency is ensured between its objectives and the funding allocated to them at EU and national level; takes the view that the next MFF should reflect the ambitions of the Europe 2020 strategy and is determined to work with the Commission and the Member States to produce a credible funding framework ensuring, in particular, adequate funding for its flagship initiatives and headline targets; argues, in this respect, that tasks, resources, and responsibilities must be clearly defined and well orchestrated between the Union and its Member States, including local and regional authorities; calls on the Commission to clarify the budgetary dimension of the flagship initiatives as these priority action plans cut across all policies funded through the EU budget;
43. Warns that the development of a ten-year Europe 2020 strategy requires sufficient budgetary flexibility to ensure that budgetary means can be appropriately aligned with evolving circumstances and priorities;

*A budget supporting economic governance*

44. Highlights the fact that under the current European Financial Stabilisation Mechanism up to EUR 60 billion of loan guarantees must be covered by the margin between the own resources ceiling and the annual budgeted expenditure; points to the additional obligations agreed in the context of the medium-term financial assistance to non-Eurozone Member States, which have to be covered by the same margin;
45. Calls for the European semester to provide for improved budgetary coordination and synergies between the Union and the Member States, thus increasing EAV; calls for the European semester to also increase economic coordination among Member States in accordance with the Community method principle and to provide improved economic governance to the Eurozone and to the Member States wishing to join, thus reducing the need to make use of the Financial Stabilisation Mechanism; believes that the European

- semester should focus on improving synergies between European and national public investments;
46. Notes that the European Stability Mechanism (ESM) after 2013 has been organised in a purely intergovernmental manner; expresses its concern about this development and underlines the lack of democratic control, accountability, as well as the enforcement of the intergovernmental approach; stresses the necessity of taking the Community method into account for the ESM; reminds that the EU budget provides guarantees for loans to Member States under the European Financial Stabilisation Mechanism, as well as the mid-term financial assistance for non-Euro area Member States' balances of payments facility;
  47. Recalls that the European currency has been created without real economic convergence between the states willing to introduce it, and in the absence of a Union budget large enough to accommodate a currency of its own; considers that such a budget would require significant parts of current Member State expenditure to be replaced by Union expenditure, in order to take due account of the Community method and provide the Eurozone and the EU with the fiscal stability required in order to overcome the debt crisis; asks the Commission to assess the possible impact of a Eurobonds system on the EU Budget;

### *Knowledge for growth*

#### Research and innovation

48. Notes the importance of research and innovation in accelerating the transition towards a sustainable, world-leading, knowledge-based economy; believes, consequently, that the next MFF should see a greater concentration of budgetary resources in areas that stimulate economic growth and competitiveness, such as research and innovation according to the principles of European added value and excellence;
49. Is firmly convinced of the added value of increasingly pooling national research and innovation expenditures in the EU budget in order to reach the necessary critical mass and economies of scale, improve impact and reduce overlapping and waste of scarce funds;
50. Believes that a concerted public and private effort is needed at European and national levels to reach the Europe 2020 target of 3 % of gross domestic product (GDP) expenditure on R&D, to achieve the creation of the European Research Area and of an 'Innovation Union'; calls on the EU institutions and the Member States to agree without further delay on a specific roadmap for achieving this target, and points to the massive economic commitment that this target would entail, amounting to around 130 billion Euro annually for both the EU and national budgets and twice as much for the private sector;
51. Believes that public funds for R&D have to be substantially increased as public investment often provides an incentive for ensuing private investment; stresses the need to enhance, stimulate and secure the financing of research, development and innovation in the Union via a significant increase in relevant expenditure from 2013 notably for the Eighth Research Framework Programme; highlights, in this respect, the catalytic role that cohesion policy has played in the current programming period in increasing R&D investment and urges that this trend be continued and strengthened in the next period;
52. Emphasises that the increase of funds must be coupled with a radical simplification of funding procedures; is particularly concerned by the relative low uptake of EU funds by the European scientific community and calls on the Commission to persevere in its efforts

to reconcile the demands of reducing administrative burdens and simplifying access to funding streams for researchers, SMEs and civil society organisations while maintaining sufficient budgetary control; highlights the need for exempting SMEs of certain administrative demands by cutting red tape and encouraging innovation through easier access to finance;

53. Calls for a stronger link between basic research and industrial innovation and between innovation and the manufacturing process; recalls, in particular, that one of the main difficulties in EU research and innovation programmes is the fact that the results are not effectively brought to the market and stresses the importance of creating incentives to commercialise the R&D products in particular through easier access to finance; highlights, in this respect, the importance of different funds working smoothly together and calls on the Commission to make the necessary adjustments so that the relevant funds can complement each other;
54. Recalls that in order to meet the EU climate and energy targets EU R&D efforts should be significantly stepped up notably on environmental research, energy-efficiency and renewable energy technologies; considers, furthermore, that Europe's frontrunner status on green technologies can only be kept if it is underpinned by appropriate research efforts;
55. Believes that it is not only subsidies that innovative European companies need, but also better legislation, better links to the research base and better and more diverse access to funding and financing, ranging from grants, to loans and to equity financing; calls, therefore, on the Member States and the Commission to create at national and European level the right conditions that will allow for the private sector to increase its share in R&D investments; stresses the need to improve PPPs in this field by cutting red tape and streamlining existing procedures; highlights, in this respect, the important role that the EIB and the EIF should play and considers, in particular, that permanent risk-sharing instruments offered by the EIB via the RSFF should be expanded, in particular in support to SMEs;
56. Highlights that innovation is one of the key priorities of Europe 2020 strategy; recognises the potential role of the European Institute of Innovation and Technology as a driver of EU sustainable growth and competitiveness, achieving this through the stimulation of world-leading innovation, and calls for the Knowledge and Innovation Communities to be enlarged and duly funded; underlines the importance of the European Research Council to provide cutting edge knowledge for future innovators and to support high-risk research ideas; supports, moreover, the need for elaborating long term financial strategies to secure funding for large-scale R&D projects;

#### Industry and SMEs

57. Stresses that a strong and diversified industrial base is key to achieving the objective of creating a competitive, sustainable and inclusive European economy; recalls that SMEs are key drivers of economic growth, competitiveness, innovation and employment and recognises their important role in ensuring recovery and boosting of a sustainable EU economy; welcomes, therefore, the emphasis put by the Europe 2020 strategy on innovation and industrial policy, notably through the flagship initiatives 'Innovation Union' and 'An integrated industrial policy for the globalisation era', and stresses the need to enhance SME-relevant actions in other flagship initiatives;

58. Calls for SMEs and entrepreneurs to be placed at the heart of the Europe 2020 strategy; demands, accordingly, enhanced support in the next MFF for all programmes and instruments aimed at fostering SMEs, in particular the Competitiveness and Innovation Programme (CIP) and the Small Business Act, as well as through the use of the Structural Funds; proposes a better bundling of Community instruments and funds for SMEs in the EU budget; stresses, further, the need for greater accessibility to and adaptation of financing instruments to the needs of SMEs, inter alia through a stronger emphasis on microfinance and mezzanine financial instruments, the extension and expansion of the CIP's guarantee instruments and the RSFF under the Research Framework Programme;

#### Digital agenda

59. Believes that the EU should play a leading role in creating and enhancing the role of ICT and open standards for innovation; emphasises the need to develop the free circulation of content and knowledge, the so-called 'fifth freedom'; stresses the importance of ensuring the rapid execution of the Union's Digital Agenda and of continuing efforts towards reaching by 2020 the targets of making available to all EU citizens access to high-speed internet, also in less developed regions;

#### Sky and space

60. Believes that space activities act as a basis for innovation and industrial activity, high-skilled jobs and improve citizens' well being and security; takes the view that the development of the newly established EU space policy would logically require adequate funding; underlines the strategic importance of large projects in this area: the European Global Satellite Navigation systems (Galileo and the European Geostationary Navigation Overlay Service), the Global Monitoring for Environment and Security programme (GMES) and the New Generation European Air Traffic Management system (SESAR) which will enable the creation of the Single European Sky; insists that, given the long lead times entailed and the levels of capital investment already committed to these projects, sufficient and consistent financial commitments over financial planning periods are required;

#### The right skills for tomorrow's workforce

61. Highlights that failure to invest properly in education and life-long learning in the short term could compound and prolong the crisis, as citizens will not have the requisite skills for jobs in the new knowledge economy; stresses, therefore, as a matter of urgency, the need for the EU to support public investments in these fields; reminds that school drop-out rate and restricted access to higher and university-level education are basic factors in the emergence of a high long-term unemployment rate and represent a blight on social cohesion; believes, in this context, in the imperative need to strengthen the link between education, R&D and employment;
62. Points to the importance of adequately funding education, mobility schemes for young people, training and lifelong learning programmes, promotion of gender equality as well as measures aiming at adapting the labour market as this makes an important contribution to the fight against early school leaving and unemployment and towards reaching the Europe 2020 headline targets; believes that the transition to a sustainable society in the coming years implies taking due account of the importance to promote new green jobs while new training will be required to this direction;

63. Takes the view that the flagship initiative on new skills and jobs should allow wider focus on the most vulnerable groups and people encountering difficulties in accessing the labour market, such as Roma; underlines the European Social Fund's (ESF) fundamental role in meeting the Europe 2020 strategy's social and employment objectives; believes, therefore, that the ESF should be treated as a political priority and funded accordingly; advocates a more strategic application of the ESF for promoting equality between women and men, labour market access and re-integration, combating unemployment, poverty, social exclusion and all forms of discrimination;

*Cohesion for growth and employment*

64. Stresses the EAV of cohesion policy, as this policy constitutes a well-established mechanism of delivering growth and jobs, a major tool for convergence, sustainable development and solidarity and one of the Union's most significant, visible, and successful policies for decades; points out, however, that a modern cohesion policy must undertake a number of structural reforms, in particular in the field of simplification, respond to the main challenges facing the Union, and promote synergies with other policies and instruments on the ground; is convinced that EU cohesion policy should remain an EU wide policy giving access to resources, experiences and assistance to all EU regions;
65. Recalls that cohesion policy has an increased importance with the entry into force of the Treaty of Lisbon and with the anchorage of territorial cohesion therein, takes the view, in this context, that all forms of territorial cooperation (cross-border, transnational, interregional) must be strengthened; underlines that macro-regional cooperation and strategies should also be addressed;
66. Stresses the predominant role of cohesion policy for the accomplishment of the Europe 2020 objectives and takes the view that a sound autonomous cohesion policy is a prerequisite for the successful implementation of this strategy; stresses that, due to its horizontal character, cohesion policy contributes significantly to all three priorities of the Europe 2020 strategy, namely smart, sustainable and inclusive growth, and that this should be reflected in the structure of the next MFF by rejecting any fragmentation of this policy across various heading or subheadings; recalls, however, that the EU cohesion policy has its own mission and objectives set out in Article 174 of TFEU that goes beyond the Europe 2020 strategy; stresses that those should be preserved in the next programming period, especially given the enduring need for economic, social and territorial convergence in the Union;
67. Stresses that a successful and strengthened cohesion policy needs adequate funding, and that the amounts allocated to it in the current financial programming period should be at least maintained in the next period in order to step up its efforts to reduce development disparities between EU regions; reiterates, in this context, its strong request to ensure that, in the next MFF, the unspent or decommitted resources of cohesion funds remain in the EU budget and not be returned to the Member States; recalls its position that GDP per capita must remain the main criterion for determining the eligibility for regional policy assistance;
68. Believes that Member States and regions should concentrate EU and national resources on a small number of priorities and projects that are of genuine European relevance, such as R&D and innovation, responding to the specific challenges that they face; requests, in this context, that the Commission draws up concrete proposals to ensure a stronger thematic

concentration of cohesion funding on the Europe 2020 priorities and considers that a more result-oriented system than the current ‘earmarking’ should be put in place, while ensuring that due consideration is made to ‘region specific’ needs and priorities; welcomes, in this respect, the Commission’s intention to agree with each Member State and its regions or directly with the regions -in the context of the development and investment partnership contracts and operational programmes- on specific terms and conditionalities for the achievement of established targets;

69. Strongly believes in the importance of an integrated policy approach and considers that all sector-specific investments in the next MFF would have to be coordinated with the investments undertaken within the framework of cohesion policy; stresses, therefore, the need to improve coordination, reduce unnecessary overlaps and create greater synergies among the ERDF, the ESF, the cohesion fund, the EAFRD and the European Fisheries Fund (EFF); underlines the need to also avoid duplication and improve coordination between the European Globalisation Adjustment Fund and the ESF; believes, accordingly, that the creation of a common strategic framework setting out common investment priorities for all these funds represents an important step in this direction; believes, furthermore, that coordination has to take place at all levels of policy making from strategic planning to delivery; is convinced that the ESF must remain an integral component of cohesion policy at all stages of its programming, implementation and management;
70. Believes that urban areas - as places with a high concentration of challenges (unemployment, social exclusion, environmental degradation, migration) - can play an important role in regional development and contribute to tackling the economic and social disparities on the ground; stresses, accordingly, the necessity for a more visible and focused approach to the urban dimension of cohesion policy, while ensuring balanced conditions for synergic development of urban, suburban and rural areas;
71. Recognizes that according to the Treaty particular attention should be paid to rural areas, areas affected by industrial transition, and regions suffering from severe and permanent natural or demographic handicaps such as the northernmost regions with very low population density, islands, cross-border and mountain regions, as well as outermost regions; believes that resources and capacities found within these regions can have a significant role in the future competitiveness of the European Union; stresses, accordingly, that these areas facing challenges should be recognised also in the future MFF; considers that for regions facing permanent handicaps a special strategy needs to be elaborated, as set out in the EP resolution of 22 September 2010;
72. Recalls that one of the main criticisms directed at cohesion policy relates to the complexity of its rules; insists on the importance of cross-financing and of simplifying the rules and procedures of this policy, on reducing complexity and administrative burdens, and on a more transparent and effective allocation of resources to cities, municipalities and regions; stresses that the audit and control systems should comply with the highest standards, so that abuses can be caught and promptly sanctioned; emphasises that the frequency of checks should be commensurate with the risk of irregularities in keeping with the proportionality principle;
73. Calls for an improvement of the monitoring and evaluation systems as regards their implementation; emphasises that the partnership principle should play a crucial role in this improvement and has to be upgraded in the context of simplification; believes that the

elaboration of concrete and measurable outcome indicators should be regarded as a prerequisite for measuring the actual progress achieved towards the agreed targets; welcomes the Commission proposals for an ex-ante, on-going and impact evaluation of each operational programme; reminds that other principles of cohesion policy, such as the co-financing rule, multi-level governance, bottom-up approach, gender mainstreaming and additionality have proven their importance and should be maintained in the next MFF;

74. Calls on the Commission to establish an intermediary category for the duration of the next programming period for regions whose GDP per capita stands at between 75 % and 90 % of EU GDP, in order to provide them with a clearer status and more security in their development; asks the Commission to provide further information on the budgetary consequences of such an option; calls on the Commission to also draw up concrete proposals to reinforce equity between those regions and other regions on the same level of development; stresses that these transitional measures for the next programming period for regions coming out of the convergence objective and for regions with per capita GDP between 75 % and 90 % of the EU average should not be established at the expense of the current convergence (Objective 1) and competitiveness regions (Objective 2) or the European territorial cooperation objective (Objective 3);
75. Warns against subjecting cohesion funds to sanctions in the framework of macroeconomic conditionality linked to the Stability and Growth Pact as this would go against the very objectives that cohesion policy is set to pursue, namely the reduction of regional disparities; stresses, therefore, the need to step up surveillance to ensure that structural funding is used in accordance with the EU law and the intended objectives;
76. Is particularly concerned about the slow start of the operational programmes in the beginning of each programming period due, among other reasons, to an overlapping phase with the completion of the previous ones; draws attention to the fact that this problem needs to be tackled on time by addressing the factors that contribute to such delays; points, for this purpose, to the need of ensuring a certain continuity between the programming periods as regards the establishment of national management and control systems and authorities;
77. Encourages local and regional authorities to make as much use as possible of the innovative financial instruments, inter alia, revolving funds for energy efficiency measures; requests that these financial instruments be simplified but also subjected to greater democratic scrutiny;

#### *Management of natural resources and sustainable development*

##### Common agricultural policy

78. Affirms that the common agricultural policy (CAP) should also be geared towards contributing to the achievement of the targets of the Europe 2020 strategy and that both pillars of the CAP should make a valuable and distinctive contribution to it, in a complementary way; emphasises that the CAP is firmly anchored in the Treaty of Lisbon, which defines its objectives and tasks;
79. Stresses that while the primary role of the current and the reformed CAP is to guarantee European Union food security as well as global food supply in times of rising food prices and food shortages, it is at the same time delivering a variety of public goods beyond



agricultural markets, such as maintaining farm land in production throughout Europe, shaping the diversity of landscapes, enhancing biodiversity and animal welfare, mitigating climate change, preserving soils and water, combating rural depopulation, poverty and segregation, providing for employment and services of general interest in rural areas, contributing to a more sustainable food production and supporting renewable sources of energy;

80. Calls on the Commission to present proposals for a reformed CAP, which aim at a more effective and efficient allocation and use of the CAP budget, inter alia, via a fair distribution of direct payments between Member States, regions and farmers by strengthening conditionality towards delivering the public goods expected by society and by more targeted payments in order to ensure best return for public money; emphasises the need for maintaining a two-pillar system of the CAP and for simplifying the implementation mechanisms;
81. Supports food autonomy of developing countries; recalls the commitment made by the WTO members during the 2005 Hong Kong Ministerial Conference to achieving the elimination of all forms of export subsidies; considers that the new CAP must be in line with the EU concept of policy coherence for development; underlines that the Union must no longer use export subsidies for agricultural products and must continue to coordinate efforts with the world's major agriculture producers to cut trade distortion subsidies;
82. Insists that, given the wide array of tasks and objectives that the CAP is called to respond to, the amounts allocated to the CAP in the budget year 2013 should be at least maintained during the next financial programming period;
83. Calls for an increased coordination of the European Agricultural Fund for Rural Development (EAFRD), the European Regional Development Fund (ERDF) and other cohesion and structural funds in order to strengthen a territorial approach; asks the Commission to present specific proposals on how better synergies could be achieved with regard to funding for non-agriculture related activities in the EAFRD and other relevant instruments; expects that the expenses linked to economic diversification in regions where agriculture is declining will increase over the period of the next MFF;

#### Fisheries

84. Stresses that fisheries resources constitute a public good vital for global food security; points to the fact that the fisheries and aquaculture sector and related activities are often the main source of livelihood and sustainable employment in coastal, island and remote regions; considers that, in order to achieve its medium and long-term goals (stable, sustainable and viable fisheries sector), recovery of its fish stocks and tackling the social aspects linked to the reduction of fishing effort, the reformed Common Fisheries Policy (CFP) will need adequate financial resources post 2013; recognises the need for increased coordination with cohesion policy; underlines that the European Fisheries Fund should be used to support sustainable fishery practices, in accordance with the maximum sustainable yield principle, as well as to conserve marine ecosystems while paying special attention to the small scale fisheries sector;

#### Environment, climate change and resource efficiency

85. Emphasises that the Union should lead the transformation towards a sustainable economy and promote a transition to a sustainable society with a competitive European industry and affordable energy prices in order to ensure a clean and healthy living environment; stresses that this should be achieved, inter alia, through reduced energy consumption in all sectors, for which a well-functioning internal energy market and infrastructure is a prerequisite, the decentralisation of energy supply, increased use of renewable energy, improved biodiversity protection and ensuring ecosystem resilience;
86. Underlines that LIFE+ has been successfully implemented and has proven its importance in safeguarding biodiversity and protecting the environment; emphasizes the need for continuing well endowed programmes for nature and biodiversity in order to meet EU environmental objectives, notably for LIFE+ and NATURA 2000;
87. Underlines the need for a horizontal approach, combining measures to combat climate change and to reduce greenhouse gas emissions - in particular energy saving measures - in all relevant policy areas, including external policies; is convinced that well-placed incentives such as conditionality of EU expenditure and legislation are the key elements in order to achieve the Europe 2020 targets in this field; considers, consequently, that climate actions should be mainstreamed in all relevant sections of expenditure including the external one, and climate impact assessments should be conducted for new projects; considers that larger shares of the European emission trading scheme revenues should be invested in mitigation and climate innovation;
88. Takes the view that tackling the challenge of sustainability, through introducing environmental criteria and increasing resource and energy efficiency to combat climate change, is one of the core objectives of the Europe 2020 strategy;
89. Supports, accordingly, the suggestion expressed in the Commission's Budget Review to include an obligation to identify in a transparent manner where sectoral programmes have promoted the 20/20/20 climate and energy objectives specified in the Europe 2020 strategy and contributed to meeting the 'Resource Efficient Europe' flagship initiative goals;
90. Underlines the global responsibility of the EU in tackling climate change; recalls that pledges resulting from the Copenhagen and Cancun agreements aimed at helping developing countries to address climate change must be 'new and additional' to the existing development aid with an adequate level of coherence being maintained between the two policies; suggests that a new programme be created for this purpose; reiterates the position of the European Parliament on the need to maintain within the EU budget the financing of all European policies; calls for the integration of the EU international climate change pledges in the EU budget in order to achieve a maximum leverage effect of community resources;

## Energy

91. Is convinced that the energy's share in the next MFF should increase; believes that renewable energy technologies, energy efficiency and energy saving should be key priorities and calls for a corresponding increase of EU funding in these areas; calls on the Commission to develop concrete benchmarks and to ensure that agreed targets are met and that they can be efficiently monitored within the framework of the European semester of policy coordination and through specific plans such as the National Energy Efficiency Plans;

92. Underlines the need to increase finance in research, technological development and demonstration in the area of energy in order to develop sustainable energy available for all; calls for the full implementation of the already adopted Strategic Energy Technology Plan (SET-Plan), including appropriate funding, during the next MFF;

#### *A connected Europe*

93. Given the huge financing needs in the areas of transport and energy infrastructure, and given the positive externalities of these projects, stresses the need to develop an incentive regulatory framework in order to promote public and private long term investment in these fields; asks that innovative financial instruments be developed in cooperation with long term investors;

#### Trans-European energy networks

94. Points to the need to prioritise energy efficiency and renewable energies when deciding on financing energy infrastructure; underlines the urgent need to modernise and upgrade the European energy infrastructure, to develop smart grids and build interconnections which are necessary for realising the internal energy market, for diversifying sources and routes with third countries enhancing security of supply, for increasing the share of renewable energy, and for meeting energy and climate targets; takes note of estimates that substantial investments of approximately EUR 1000 billion by 2020 are needed in this field; particularly in order to ensure transmission capacity, including new production capacity and investment in electricity grids; notes that, at current world energy prices, the substantial investment required can primarily originate from the private sector; emphasises the need to maximise the impact of European funding and the opportunity offered by the structural funds and innovative financial instruments to fund key national and cross-border European priority energy infrastructure projects; stresses the need for a substantial allocation from the European Union budget for innovative financial instruments in this field;

#### Transport and Trans-European transport networks

95. Underlines that investing in effective transport infrastructure has a key role for Europe to defend its competitiveness and pave the way for post crisis, long term economic growth; believes that the Trans-European transport networks (TEN-T) are vital in order to guarantee the proper functioning of the internal market and provide important EAV as they contribute to improving accessibility and interoperability between the various parts of the EU by guaranteeing cross-border links and eliminating bottlenecks, improving the use of traffic management and information systems, as well as assuring intermodality in cross-border infrastructure, which the Member States alone would not invest in; considers that the TEN-T should provide a genuine European core network rather than the aggregation of national projects and that the financing of core projects should be assessed and reviewed in the light of progress on the ground and EAV; strongly believes that TEN-T should, accordingly, be a key priority in the next MFF;
96. Considers that conditionality should be enhanced by introducing the principle of ‘Use-it-or-lose-it’ (decommitment); when allocated funding has not been used the unspent or decommitted resources of transport funds should remain in the EU budget and not be returned to the Member States;

97. Recalls that a global investment of EUR 500 billion will be required for the period 2007-2020 for TEN-Ts; considers, therefore that an increase in TEN-T funds is necessary in the next MFF, together with increased coordination between EU and Member States, as well as the funds available for TEN-T and the funding for transport projects within the framework of cohesion policy and territorial cooperation, thus, using better the available sources of financing; stresses the role that innovative financing instruments, including PPPs and project bonds, can also play in the financing of those projects; considers that expenditure used from the cohesion fund should be conditional upon the observation of general principles of European transport policy; believes that TEN-T funding should actively integrate the objectives of economic, social and territorial cohesion, as well as sustainable development obligations to meet Europe 2020 targets and should as far as possible give priority to low-carbon transportation;
98. Calls on the Commission to take into account, in particular, the need to shift freight and passenger flows towards more sustainable and efficient transport flows while providing efficient co-modality; considers that the upcoming revision of the TEN-T guidelines needs to find solutions to the interoperability between national as well as cross-border railway systems and introduce conditionality on EU expenditure in order to achieve a genuine Single European Railway policy, and to ensure greater use of inland waterway and short sea shipping;

#### Tourism

99. Recalls that tourism is a new EU competence under the Lisbon Treaty, which should, therefore, also be reflected in the next MFF; stresses the important contribution of tourism to the European economy and believes that the European strategy for tourism should aim at raising the competitiveness of the sector and be supported with adequate funding for the next period;

#### Maritime Policy

100. Acknowledges that the seas and oceans will play an increasingly key role in global economic growth in the future; considers that the Integrated Maritime Policy must be pursued and geared towards tackling the challenges faced by coastal zones and maritime basins, supporting blue growth and a sustainable maritime economy; requests that the EU increases its effort to support an ambitious EU maritime policy which will allow Europe to assert its international position in this strategic sector; insists that the appropriate budgetary means be made available in favour of this policy;

#### *Citizenship, freedom, security and justice*

##### Fostering European culture and diversity

101. Emphasises that promoting Union citizenship has a direct impact on the daily lives of Europeans and that it contributes to a better understanding of the opportunities provided by Union policies, as well as of their fundamental rights, enshrined in the European Charter of Fundamental Rights and the Treaties; is convinced that adequate funding in the area of citizenship must be guaranteed;
102. Points out that youth- and culture-related policies are essential and among the first priorities to be recognised for their added value and reaching out to citizens; calls on the

EU and the Member States to acknowledge the increasing importance of cultural and creative industries to the European economy, and their spill-over effect on other economic sectors ; strongly emphasises that the full potential of these policies can only be realised if they are provided with adequate levels of funding and calls for their potential to be fully exploited within rural development and cohesion policy;

103. Recalls the importance of sport for health, economic growth and jobs, tourism and social inclusion, and the fact that Article 165 TFEU gives the EU new competences in this field; welcomes the Commission communication on ‘Developing the European Dimension in Sport’ (COM(2011)0012) as a first step in assessing the added value of sport, and in particular of everyday exercise, and focusing on the societal, economic and organisational dimension of sport;

#### Youth policy

104. Stresses that youth should represent a strong priority for the Union and that the youth dimension should be visible and reinforced in EU policies and programmes; believes that youth should be perceived as an EU cross-cutting theme, developing synergies between different policy areas relating to youth, education and mobility; welcomes the ‘Youth on the Move’ flagship initiative as a cornerstone of the Europe 2020 Strategy; underlines in particular that youth-related programmes like Lifelong Learning and Youth in Action, which bear low cost per beneficiary and therefore have high efficiency, should be maintained as separate programmes in the next MFF and that they deserve a much stronger investment;

#### An Area of Freedom, Security and Justice

105. Emphasises that creating a robust culture of fundamental rights and equality as enshrined in the Lisbon Treaty must remain a priority for Europe; stresses that while these values must be budgetarily mainstreamed, adequate targeted funding must be guaranteed;
106. Notes that economic, cultural and social growth of the Union can only thrive in a stable, lawful and secure environment, respecting and enforcing fundamental rights and safeguarding civil liberties; considers, accordingly, that efficient justice and home affairs policies are a pre-requisite for economic recovery and an essential element in a wider political and strategic context; underlines the importance of mainstreaming the EU priorities in the field of ‘home affairs’ into the Union’s external dimension, including European Neighbourhood policy, especially in view of the impact that growing migration will have on the development of EU policies towards third countries; stresses the need for the appropriate financing of the immigration, asylum and security policies and also taking into account the priorities of the EU while implementing them;
107. Stresses the need for an integrated approach towards pressing immigration, asylum questions as well as towards the management of the external borders of the Union, with sufficient funding and support tools to handle emergency situations made available in a spirit of respect for human rights and solidarity amongst all Member States, respecting national responsibilities and a clear definition of tasks; notes that, in this regard, the increased challenges of FRONTEX, the European Asylum Support Office and the Funds on Solidarity and Management of Migration Flows need to be duly taken into consideration;

108. Notes that the share of funding for the area of freedom, security and justice in the Union budget is relatively small and stresses that in the future MFF these policies must be allocated with appropriate and objectively justifiable funding to enable the Union to carry out its activities, especially those related to new tasks, as identified in the Stockholm Programme and the Treaty of Lisbon;
109. Emphasises the need of developing better synergies between different funds and programs and points to the fact that the simplification of management of funds and allowing cross-financing enable the allocation of more funds to common objectives; welcomes the Commission's intention to reduce the total number of budgetary instruments in Home Affairs in a two pillar structure and where possible under shared management; believes that this approach should contribute significantly to an increased simplification, rationalisation, consolidation and transparency of the current funds and programmes; stresses however the need to ensure that the different objectives of home affairs policies will not be mixed up;

### *Global Europe*

110. Reiterates its deep concern at the chronic underfinancing and particularly acute flexibility problems in the implementation of the Union's external activities, due to the unpredictable nature of external events, and recurring international crises and emergencies; stresses, accordingly, the need to close the gap between its ambitions and resources in foreign policy, by ensuring adequate financial resources and efficient flexibility mechanisms in order to enable the Union to respond to global challenges and unforeseen events; reiterates its request that budgetary implications deriving from any new commitments and tasks taken up by the Union must be additional to programmed amounts, in order to avoid jeopardising existing priorities;
111. Points to the discrepancy between the level of the Union's global financial assistance and its often limited influence in related negotiations and stresses the need to enhance the Union's political role and leverage in international institutions and fora; believes that the EU should ensure a political role which is proportional to the financial support it provides;

### European External Action Service (EEAS)

112. Notes that the EEAS is in its 'building-up' phase; highlights that according to the Council's decision of 26 July 2010, 'the establishment of the EEAS should be guided by the principle of cost-efficiency aiming towards budget neutrality'<sup>35</sup>; stresses the need for the new service to be provided with sufficient funds to allow the EU to fulfil its goals and role as a global player; stresses accordingly, the need for the new service to fully exploit efficiency gains deriving from the pooling of resources at Union level as well as synergies with Member States, avoiding duplications, existing or potential overlaps, inconsistencies and incoherencies and leading to cuts and savings in all national budgets, demonstrating thus the true added value of the Union's diplomacy;

### Poverty alleviation

113. Recalls that the 2015 deadline for meeting the Millennium Development Goals (MDG), and the collective Official Development Aid (ODA) target of 0.7 % of gross national

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<sup>35</sup> Council Decision 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service (OJ L 201, 3.8.2010, p. 30).

income (GNI), fall within the next MFF period; stresses, accordingly, that an appropriate overall level of development aid and funding is required for the Union and its Member States to meet its international development commitments, including the financial commitments made in the Copenhagen Accord as well as those of the Cancun Agreement; stresses furthermore that also future spending pledges aimed at helping developing countries to combat climate change or to adapt to its effects must be additional, with coherence being maintained between the two policies; urges Member States to take immediate action to meet their ODA targets and fulfil their development pledges;

114. Stresses the need to strike the right balance between direct budget support on the one hand and financing of sustainable projects on the other; underlines that development aid should be spent in an inclusive manner, reaching the most marginalised and excluded groups;
115. Calls once again for the budgetisation of the European Development Fund (EDF), as it would increase consistency and transparency; insists, however, that incorporating the EDF into the EU budget must lead to an overall increase in the EU budget by the amount initially allocated to finance the EDF;
116. Believes that the European Commission/EEAS should systematically assess the impact of the EU assistance, in order to improve the effectiveness of EU originating development aid as well as improving synergies between EU and national development aid, in line with the Paris Declaration;
117. Finds it important that the development aid being given by the EU promotes sustainable development in the receiving countries; stresses that assessments need to be made and criteria set up that respects this objective;
118. Notes that the highest percentage of the world's poorest people lives in emerging economies; insists however, in order to incite these governments to better engage in poverty reduction within their own borders, that alternative schemes for development cooperation with these countries, such as co-financing, should be gradually introduced;

#### Projecting EU values and interests globally

119. Stresses that EU foreign policy should be based on Union's founding principles and values, namely democracy, respect for human rights, diversity, fundamental freedoms and the rule of law; reiterates the need to equip the Union with more adequate and targeted means to promote these values globally and to expand the sphere of peace and stability in its neighbourhood; highlights the particular contribution made via the EIDHR;
120. Considers the EU to have a special responsibility among the international community for promoting security, democracy, and prosperity in Europe's neighbouring countries, where economic development and progress of stability are in the direct interest of the EU; considers therefore that building close and effective relations with neighbouring countries should remain a priority in the Union's external agenda; emphasises that stepped up financial commitments are needed for the Union to live up to major challenges -support to democratic transition and consolidation, good governance, human rights- and high expectations deriving from this moral responsibility; believes at the same time that the more targeted use of funds is at least as important as funding levels; calls therefore for the strengthening of conditionality in EU aid programmes with the aim of improving democratic development and sound budgetary management, reducing the level of

corruption and the capability to use EU support in a transparent, effective and accountable manner;

121. Notes that the EU is approaching a new round of enlargement, particularly in the direction of the Western Balkans; calls for the next MFF to take the costs of future enlargements into account, namely through adequate funding for the Instrument for Pre-Accession; considers that the IPA instrument should give priority to support the necessary improvements for candidate countries to comply with the *acquis communautaire* and facilitate the use of EU funding, in particular for civil society, social partners, minorities, NGOs, cultural heritage, as well as local and regional authorities;
122. Underlines that the Union needs to quickly adapt its policy towards the emerging countries and develop new strategic partnerships with them; asks the Commission to propose in this regard a policy instrument targeting activities that are not ODA related but fall into areas of mutual interest;
123. Is of the opinion that, considering growing global challenges as well as the Union's global responsibilities, especially in face of the current political developments in the Arab world, a restructuring of the EU's external financial instruments becomes indispensable; advocates accordingly an overhaul and more strategic application of its external instruments as well as the development of new forms of cooperation and delivery mechanisms with partner countries in order to enhance the impact and visibility of EU external action as well as to achieve the overall objective of greater consistency and coherence of EU external action; stresses that the next MFF should support policy coherence, i.e. by ensuring that EU policies and expenditure on agriculture, fisheries, trade and energy are not directly at odds with development policy objectives;

#### Responding to crisis situations

124. Reiterates that crisis prevention and management are major EU priorities; stresses, accordingly, the need to ensure effective and adequately funded instruments in this respect; takes the view that the current Instrument for Stability remains an important means for immediate Union response to crises' situations, but more emphasis should be placed on longer term, preventive actions, including peace-building and conflict prevention, namely via more responsive geographic programmes;
125. Believes that humanitarian aid plays a key role in EU external relations; notes that natural disasters tend to become more frequent as well as more devastating in their consequences, whereas conflicts will tend to spark more often due to the struggle for resources such as energy, water and raw materials; underlines the need to ensure appropriate budgetary allocations for the Humanitarian Aid Instrument and the Emergency Aid Reserve, so as to avoid the yearly ad hoc demands from the European Commission for extra funding; this budget should remain independent in order to guarantee the neutrality of humanitarian aid - dissociated from other (e.g. geopolitical) considerations or interests;

#### *Administration*

126. Believes that high quality public administrations, at both Union and national levels, are an essential element for achieving the strategic goals set in the Europe 2020 strategy; calls on the Commission to present a clear analysis of administrative expenditure post-2013, duly taking into account the public finances consolidation efforts, the new tasks and



competences attributed to the Union by the Treaty of Lisbon, and the efficiency gains to be derived from an optimal use of human resources in particular through redeployment and new technologies;

127. Points out that such analysis should investigate the scope for synergies and, notably, savings, inter alia through restructuring, further interinstitutional cooperation, review of each institution's and body's working methods and working places, better separation of tasks of institutions and agencies, the medium and long-term financial impact of building policy, pension systems and other areas of statutory provisions of staff working for EU institutions; believes that this analysis can show that there is scope for a reduction of the overall EU administrative budget without compromising the high quality, performance and attractiveness of the EU public administration;
128. Points to the significant savings that could be made if the European Parliament were to have a single seat;

#### ***Part IV: Organisation and structure of the financial framework***

##### *A structure to reflect priorities*

129. Considers that the structure of the next MFF should facilitate both planning continuity and flexibility within and between headings, and avoid the failures of the current MFF, particularly with regard to shortfalls in subheading 1a 'Competitiveness for Growth and Employment', subheading 3b 'Citizenship' and heading 4 'External relations'; considers that the MFF structure should increase the visibility of EU political and budgetary priorities for the European citizens; insists, in this respect, on the need to avoid unjustified radical changes and to consolidate and improve the current structure;
130. Reiterates that the Europe 2020 strategy should be the main policy reference for the next MFF; considers, as a consequence, that the structure should reflect and give political visibility to the Europe 2020 dimensions of smart, sustainable and inclusive growth; proposes, accordingly, a new structure grouping under one single heading all internal policies under the title 'Europe 2020';
131. Proposes to establish under the Europe 2020 heading four subheadings involving linked policies which should also favour better coordination and implementation synergies among them; proposes, thus, a subheading comprising knowledge related policies; a second subheading devoted to cohesion policy reflecting its horizontal nature and its contribution to all Europe 2020 objectives, as well as social policy; a third subheading encompassing sustainability and resource-efficiency related policies; and a fourth subheading on citizenship, which would combine the current MFF subheadings 3a (citizenship) and 3b (freedom, security and justice ) into a single subheading given the previous experienced difficulties which arise when a number of small programmes are brought together within a small subheading;
132. Believes that the next MFF should allow for a ring-fencing of large-scale projects, which are of strategic importance for the Union, within the heading 'Europe 2020'; believes that the EU budget should make a long-term contribution to these projects, in order to ensure their planning continuity and organisation stability; considers that, should additional financial resources be needed for these large-scale projects, those should not be found at the expense of smaller successful projects that are financed by the EU budget;

133. Considers that, in view of the integrated character of the Europe 2020 strategy, and in order to ensure that budgetary means are appropriately aligned with the progressive development of the strategy, it is essential that a higher degree of flexibility is ensured among the four Europe 2020 subheadings;
134. Recalls the difficulties which arise when a number of rather small programmes are brought together within a small subheading; proposes, accordingly, to combine the 2007-2013 MFF subheadings 3a (citizenship) and 3b (freedom, security and justice policies) into a single subheading;
135. Calls for maintaining a heading for external policies;
136. Calls for maintaining a heading for administration;
137. Calls for the creation of a ‘global MFF margin’ serving all headings below the overall MFF ceiling and above the separate available margins of each heading to be mobilised in the framework of the annual budgetary procedure; believes that such margin should also receive the unspent margins as well as the decommitted and unspent appropriations (commitments and payments) of the previous budgetary year;
138. Considers, moreover, that in order to improve transparency and visibility an additional ‘reserve margin’ below the own resources ceiling and above the MFF ceiling should be used for including the risks of defaults linked to the loan guarantees of the European Financial Stabilisation Mechanism and the Facility providing medium-term financial assistance to non-Euro area Member States’ balances of payments, as well as a possible intervention of the EU budget in the European Stability Mechanism after 2013;
139. Urges the Commission to provide in an annex to the EU budget all EU related expenditure that occurs –following an intergovernmental procedure- outside the EU budget; believes that this information provided on an annual basis will give a complete picture of all investments that Member States agree to undertake at the EU level;
140. Suggests that the EU budget should clearly identify - possibly in an annex - all investments that are made in each EU policy field, originating also from different parts of the EU budget; believes, at the same time, that the Commission should also provide an estimate of the investment needs that are foreseen for the whole duration of the programming period;
141. Urges the Commission to include detailed information on the revenue side of the EU budget in its Draft Budget, as transmitted to the EU budgetary authority; notes that a joint presentation of the revenue and expenditure side of the budget is actually standard practice for all national budgets; strongly believes that in this way a permanent debate on the financing system of the Union will be maintained, while fully acknowledging that the budgetary authority does not have at present any competence to propose changes to this part of the budget;
142. Proposes, therefore, the following structure for the next MFF:

**1. Europe 2020**

**1a. Knowledge for growth**

Including research and innovation, education and lifelong learning and internal market policies.

**1b. Cohesion for growth and employment**

Including cohesion (economic, social and territorial) and social policies.

**1c. Management of natural resources and sustainable development**

Including agriculture, rural development, fisheries, environment, climate change, energy, and transport policies.

**1d. Citizenship, freedom, security and justice**

Including culture, youth, communication and fundamental rights and freedom, security and justice policies.

**2. Global Europe**

Including external action, neighbourhood and development policies.

**3. Administration**

ANNEX

*Responding to changing circumstances: flexibility*

143. Reiterates its position included in its resolution of 25 March 2009 on the Mid-term Review of the 2007-2013 Financial Framework<sup>36</sup>, that more flexibility within and across headings is an absolute necessity for the functioning capacities of the Union not only to face the new challenges but also to facilitate the decision-making process within the institutions;

Mid-term Review

144. Stresses the need, if the MFF period is longer than 5 years, for an obligatory Mid-term Review allowing for a quantitative as well as qualitative analysis and stock-taking on the functioning of the MFF; underlines that, in the future, the Mid-term Review should become a legally binding obligation enshrined in the MFF regulation, with a specific procedure including a binding calendar, which ensures full involvement of the Parliament in its role of legislative and budgetary authority; stresses that, if the review should establish the inadequacy of the ceilings for the rest of the period, a real possibility to revise them should be guaranteed;

Revising the ceilings

145. Insists that the degree of flexibility actually provided by the revision mechanism is dependent on the procedure for exercising it, and faces a general reluctance of the Council to using it; considers it essential -if the adjustment of expenditure ceilings is to remain a realistic option- that the future mechanisms for revision foresee a simplified procedure for changes under an agreed threshold; calls, in addition, for the possibility to increase the overall MFF ceiling to be maintained;

Ensuring sufficient margins and flexibility below the ceilings

146. Stresses the importance of ensuring sufficient reserves for each heading; notes with interest the Commission's proposal to establish a fixed percentage for margins; considers, however, that this option could provide better flexibility only if the future ceilings were set

<sup>36</sup>

OJ C 117 E, 6.5.2010, p. 95.

at a sufficiently high level, allowing for such additional room for manoeuvre;

147. Points out that flexibility below the ceilings should be enhanced in all possible ways and welcomes the Commission's proposals put forward in the Budget Review;
148. Considers important to maintain the possibility to front or backload spending within a heading's multi-annual envelope, to allow for countercyclical action and a meaningful response to major crises; considers, in this respect, that the current system of flexibility for legislative acts has worked sufficiently well in the current MFF; calls, therefore, for the flexibility threshold of 5% above or below the amounts fixed under codecision to be maintained in the next MFF;
149. Is convinced that unused margins, de-committed and unused appropriations (both commitments and payments) in one year's budget should be carried over to the next year and constitute a global MFF margin to be attributed to the different headings according to their estimated needs; believes, therefore, that the money allocated to the EU budget should only be spent in this context and not returned to the Member States, as is currently the case;
150. Believes, in addition, that these proposals must be complemented by a reallocation flexibility to transfer between headings in a given year and by increased flexibility between sub-headings;
151. Reiterates that the decision-making process must be designed so as to allow for the effective use of these instruments;

#### Flexibility mechanisms

152. Considers it crucial to maintain special instruments (Flexibility Instrument, European Globalisation Adjustment Fund, European Union Solidarity Fund, Emergency Aid Reserve), which can be mobilised on an ad-hoc basis, by further simplifying their use and providing them with sufficient envelopes, as well as by possibly creating new instruments in the future; stresses that the mobilisation of such additional sources of funding must abide by the Community method;
153. Considers that the European Globalisation Adjustment Fund (EGF) has been successful in providing EU solidarity and support to workers made redundant because of the adverse effects of globalisation and the global financial and economic crisis and should, therefore, be maintained under the new MFF; believes, however, that the procedures for implementing the support from the EGF are too time consuming and cumbersome; calls on the Commission to propose ways in which these procedures can be simplified and shortened for the future;
154. Believes that the Flexibility Instrument, which has been the most fully implemented of the flexibility mechanisms, has been essential in providing for additional flexibility; proposes to significantly increase the initial amount for the Flexibility Instrument, with a subsequent yearly increase over the period of the MFF, and to keep the possibility to carryover the portion of the unused annual amount up to year  $n+2$ ;
155. Notes that in recent years the funds available to address urgent natural and humanitarian disasters have been insufficient; calls, accordingly, for a substantial increase of the envelope

of the Emergency Aid Reserve as well as the possibility for a multi-annual mobilisation of the instrument;

#### *The duration of the MFF*

156. Underlines that the choice of the duration of the next MFF should strike the right balance between stability for programming cycles and implementation of individual policies, and the duration of the institutions' political cycles –in particular those in the European Commission and the European Parliament-; recalls that a longer period requires greater flexibility;
157. Believes that a 5-year cycle fully complies with the Parliament's expressed will to align, as much as possible, the MFF duration with the duration of the institutions' political cycles, for reasons of democratic accountability and responsibility; is concerned, however, that a 5-year cycle might be too short at this stage for policies which need a longer term programming (i.e. cohesion, agriculture, TENs) and would not fully comply with those policies' programming and implementation life cycle requirements;
158. Notes that the 10-year MFF, as proposed by the Commission in the Budget Review, could provide substantial stability and predictability for the financial programming period but, as the overall ceilings and the core legal instruments would be fixed for ten years, it will increase the rigidity of the MFF and render the adjustments to new situations extremely difficult; considers, however, that a 5+5 cycle could only be envisaged if an agreement on a maximum level of flexibility, including an obligatory mid-term review, was reached with the Council and enshrined in the MFF regulation;
159. Takes the view that for the next MFF a 7-year cycle, set until 2020, should be the preferred transitional solution as it could provide for more stability by ensuring the continuity of the programmes for a longer period, and also make a clear link with the Europe 2020 strategy; stresses, however, that all options for the duration of the next MFF are subject to sufficient funding and an adequate and well-resourced flexibility within and outside the framework to avoid the problems encountered during the 2007-2013 period;
160. Believes that a decision on a new 7-year MFF should not pre-empt the possibility of opting for a 5 or 5+5 year period as of 2021; reiterates its conviction that a synchronisation of the financial programming with the mandate of the Commission and the European Parliament will increase democratic responsibility, accountability and legitimacy;

#### ***Part V: Matching ambitions with resources: the link between expenditure and the reform of EU financing***

##### *Sufficient budgetary resources*

161. Is fully conscious of the difficult fiscal adjustments that many Member States are making to their national budgets and reiterates that achieving EAV and ensuring sound financial management -efficiency, effectiveness, economy- should be, more than ever, guiding principles of the EU budget;
162. Emphasises that regardless of realisable savings, the EU budget, at its current overall level of 1 % of GNI, is not capable of closing the financing gap deriving from additional financing needs arising from the Treaty as well as from existing policy priorities and

commitments such as:

- the achievement of the Europe 2020 headline targets in the fields of employment, R&D, climate and energy, education and poverty reduction;
  - the increase of research and innovation spending from currently 1.9 % of GDP to 3 % of GDP, adding up to approximately EUR 130 billion of public and private spending per year;
  - the necessary investments in infrastructure; the essential fully-fledged and transparently calculated financing of large-scale projects adopted by the Council such as ITER and Galileo as well as the European space policy;
  - the not yet quantifiable additional appropriations needed in the field of Common Foreign and Security Policy, including the European External Action Service and the European Neighbourhood Policy;
  - the additional financing needs related to the future enlargement of the EU;
  - the financing of the existing European Financial Stabilisation Mechanism and the European Stability Mechanism after 2013 in order to provide the Eurozone and the EU with the fiscal stability required in order to overcome the debt crisis;
  - the financial effort related to the attainment of the Millennium Development Goals (MDG) to spend 0.7 % of GNI on development aid, i.e. around EUR 35 billion annually further to the current spending of 0.4 % of GNI;
  - the pledges resulting from the Copenhagen and Cancun agreements aimed at helping developing countries combat climate change and adapt to its effects which should be new and additional to the commitments made under the MDG and amount by 2020 to 100 billion dollars annually around a third of which to be shouldered by the EU;
163. Is therefore of the firm opinion that freezing the next MFF at the 2013 level, as demanded by some Member States, is not a viable option; points out that even with an increase of the level of resources for the next MFF of 5% compared to the 2013 level<sup>37</sup> only a limited contribution can be made to the achievement of the Union's agreed objectives and commitments and the principle of Union solidarity; is, therefore, convinced that at least a 5% increase of resources is needed for the next MFF; challenges the Council, in case it does not share this approach, to clearly identify which of its political priorities or projects could be dropped altogether, despite their proven European added value;
164. Reiterates that without sufficient additional resources in the post-2013 MFF, the Union will not be able to fulfil the existing policy priorities, namely linked to the Europe 2020 strategy, the new tasks provided for by the Treaty of Lisbon, let alone respond to unforeseen events;

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<sup>37</sup> 2013 level: 1,06 % of GNI; 2013 level + 5%: 1,11 % of GNI; both in commitment appropriations at 2013 constant prices. These figures are based on the assumption of a 7 year MFF using the following estimates and forecasts by the Commission: - DG BUDG's May 2011 forecast of 2012 GNI: EUR 13.130.916,3 million (2012 prices); - DG ECFIN's January 2011 estimate of GNI nominal growth of 1,4% for 2011-2013 and 1,5% for 2014-2020. NB: Figures are subject to change in line with variations of the Commission's estimates and forecasts as well as with the reference year and type of prices used (current or constant).

165. Notes that the own resources ceiling has been unchanged since 1993; believes that the own resources ceiling might require some progressive adjustment as Member States confer more competences on, and fix more objectives for the Union; considers that while the current ceiling of own resources set unanimously by the Council<sup>38</sup> provides sufficient budgetary leeway to meet the most pressing Union challenges but that it would still be insufficient for the EU Budget to become a real tool for European economic governance or to contribute in a major way to investing in the Europe 2020 strategy at EU level;

#### A more transparent, simpler and fairer financing system

166. Recalls that according to the Treaty of Lisbon ‘without prejudice to other revenue, the budget shall be financed wholly from own resources’; stresses that the way the system of own resources has evolved, gradually replacing genuine own resources by the so-called ‘national contributions’, places disproportionate emphasis on net-balances between Member States thus contradicting the principle of EU solidarity, diluting the European common interest and largely ignoring European added value; notes that, in practice, this state of affairs means that the size of the budget is affected by the financial circumstances of individual Member States, as well as their attitude towards the EU; strongly calls, therefore, for an in-depth reform of EU resources in order to realign the financing of the EU budget with the spirit and requirements of the Treaty;
167. Considers that the main aim of the reform is to achieve an autonomous, fairer, more transparent, simpler and equitable financing system, which can be better understood by the citizens, and make clearer their contribution to the EU budget; calls, in this context, for an ending of existing rebates, exceptions and correction mechanisms; is convinced that the introduction of one or several genuine own resources for the Union, in order to replace the GNI-based system, is indispensable if the Union is ever to get the budget it needs to significantly contribute to financial stability and economic recovery; recalls that any change on own resources should be implemented in compliance with fiscal sovereignty of Member States; insists, in this context, that the Union should be able to collect directly its own resources independently from the national budgets;
168. Emphasises that the restructuring of the system of own resources as such does not concern the size of the EU budget but finding a more effective mix of resources to fund the agreed EU policies and objectives; points out that the introduction of a new system would not increase the overall tax burden for citizens, but instead reduce the burden on national treasuries;
169. Stresses that the European Parliament is the only parliament who has a say on the expenditures side but not on the revenues side; therefore emphasises the crucial need for a democratic reform of EU resources;
170. Takes note of the potential new own resources proposed by the Commission in its Communication on the Budget Review (taxation of the financial sector, auctioning under the greenhouse gas Emissions Trading System, EU charge related to air transport, VAT, energy tax, corporate income tax); awaits the conclusions of the impact analysis of these options, including a feasibility study on the various options for an EU Financial Transaction Tax, that should also examine the relevant collection mechanisms, in view of

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<sup>38</sup> 1.23 % of the total GNI of the Member States in payment appropriations and 1,29 % in commitment appropriations

the presentation by the Commission of a legislative proposal by 1 July 2011;

171. Considers that an FTT could constitute a substantial contribution, by the financial sector, to the economic and social cost of the crisis, and to public finance sustainability; is of the opinion that an FTT could also contribute partially to the financing of the EU budget, as well as to lowering Member States' GNI contributions, and that the Union should also act as an exemplar in relation to the movement of funds towards fiscal havens;

***Part VI: Towards a smooth and efficient interinstitutional negotiation process***

172. Recalls that, pursuant to the Treaty of Lisbon, the consent of the Parliament, given by a majority of its component members, is compulsory for the adoption of the MFF by the Council, acting unanimously;
173. Underlines the stringent majority requirements for both the Parliament and the Council and points to the importance of exploiting to the full the Treaty provision under Article 312(5) of the TFEU which requires the Parliament, the Council and the Commission, throughout the procedure leading to the MFF adoption, to take any measure necessary to this end; notes that this explicitly imposes upon the institutions the duty to carry out negotiations in order to find agreement on a text to which Parliament can give its consent; points out further that if no MFF has been adopted by the end of 2013, the ceilings and other provisions corresponding to the year 2013 shall be extended until such time as a new MFF is adopted;
174. Welcomes the commitment of the Council Presidencies<sup>39</sup> to ensure an open and constructive dialogue and collaboration with the Parliament during the whole procedure for the adoption of the future MFF and reaffirms its willingness to work in close cooperation with the Council and the Commission in full accordance with the provisions of the Treaty of Lisbon during the negotiating process;
175. Urges, consequently, the Council and the Commission to comply with the Treaty and to make every effort necessary to swiftly reach an agreement with the Parliament on a practical working method for the MFF negotiating process; reiterates the link between a reform of revenue and a reform of expenditure and demands, accordingly, a firm commitment by the Council to discuss in the context of the MFF negotiation the proposals on new own resources;
176. Demands that a wide-ranging public debate on the purpose, scope and direction of the Union's MFF and the reform of its revenue system be opened at EU level; proposes, in particular, that a Convention-type conference on the future financing of the Union be convened, which must include Members of the European Parliament as well as of national parliaments;

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177. Instructs its President to forward this resolution to the Council, the Commission and the other institutions and bodies concerned, as well as to the national governments and parliaments of the Member States.

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<sup>39</sup> Letter of Prime Minister Yves Leterme to President Buzek, 8 December 2010.



## **EP resolution on guaranteeing independent impact assessments**

**P7\_TA-PROV(2011)0259**

### **European Parliament resolution of 8 June 2011 on guaranteeing independent impact assessments (2010/2016(INI))**

The European Parliament,

- having regard to the Lisbon Treaty and the Charter of Fundamental Rights of the European Union, which entered into force on 1 December 2009,
- having regard to the Commission communication of 8 October 2010 on Smart Regulation in the European Union (COM(2010)0543),
- having regard to its resolution of 9 September 2010 on better lawmaking – 15th annual report from the Commission pursuant to Article 9 of the Protocol on the application of the principles of subsidiarity and proportionality<sup>40</sup>,
- having regard to its resolution of 21 October 2008 on better lawmaking 2006 pursuant to Article 9 of the Protocol on the application of the principles of subsidiarity and proportionality<sup>41</sup>,
- having regard to its resolution of 4 September 2007 on better lawmaking 2005: application of the principles of subsidiarity and proportionality – 13th annual report<sup>42</sup>,
- having regard to its resolution of 10 July 2007 on minimising administrative costs imposed by legislation<sup>43</sup>,
- having regard to its resolution of 16 May 2006 on better lawmaking 2004: application of the principle of subsidiarity – 12<sup>th</sup> annual report<sup>44</sup>,
- having regard to its resolution of 20 April 2004 on assessment of the impact of Community legislation and the consultation procedures<sup>45</sup>,
- having regard to the Interinstitutional Agreement on better law-making concluded between Parliament, the Council and the Commission on 16 December 2003,
- having regard to the Interinstitutional Common Approach to Impact Assessments concluded between Parliament, the Council and the Commission in November 2005,

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<sup>40</sup> Texts adopted, P7\_TA(2010)0311.

<sup>41</sup> OJ C 15 E, 21.1.2010, p. 16.

<sup>42</sup> OJ C 187 E, 24.7.2008, p. 67.

<sup>43</sup> OJ C 175 E, 10.7.2008, p. 124.

<sup>44</sup> OJ C 297 E, 07.12.2006, p. 128.

<sup>45</sup> OJ C 104 E, 30.4.2004, p. 146.

- having regard to Special Report No 3/2010 of the European Court of Auditors,
  - having regard to the results of the study commissioned by the European Parliament on impact assessments in the EU Member States,
  - having regard to the Commission’s Impact Assessment Guidelines of 15 January 2009, and the annexes thereto (SEC(2009)0092),
  - having regard to the Commission communication of 5 June 2002 on impact assessment (COM(2002)0276),
  - having regard to the Framework Agreement of 20 October 2010 between Parliament and the Commission,
  - having regard to the Commission communication of 28 October 2010 on an Integrated Industrial Policy for the Globalisation Era: Putting Competitiveness and Sustainability at Centre Stage (COM(2010)0614),
  - having regard to the Impact Assessment Board Report for 2010 of 24 January 2011 (SEC(2011)0126),
  - having regard to the letter of 16 November 2010 from the Chair of the Committee on Women's Rights and Gender Equality to the rapporteur on the experiences gained from an impact assessment conducted concerning the effect of extending maternity leave to 20 weeks,
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Legal Affairs and the opinions of the Committee on Economic and Monetary Affairs, the Committee on the Environment, Public Health and Food Safety, the Committee on Industry, Research and Energy and the Committee on the Internal Market and Consumer Protection (A7-0159/2011),
- A. whereas impact assessments present a systematic evaluation of the likely effects of legislative action,
  - B. whereas establishing a transparent, clear, effective and high-quality regulatory environment should be a priority objective of European Union policy,
  - C. whereas impact assessments make a positive contribution to the overall enhancement of the quality of EU legislation in the interest of better lawmaking,
  - D. whereas the problems arising in the transposition and implementation of current EU law are partly the result of inadequately drafted legislative texts, and whereas all European legislative bodies share the responsibility for this,
  - E. Whereas the Lisbon Treaty contains horizontal social and environmental clauses (Art. 9 and 11 TFEU) which have to be taken into account in defining and implementing the Union's policies and activities and require an in-depth analysis of the social and environmental impact of any proposed legislation;
  - F. whereas, when adopting new laws and simplifying and recasting existing laws, impact assessments can serve to improve the evaluation of their social, economic, environmental and

health effects and their compatibility with fundamental rights, and thus help reduce bureaucracy, as well as ensure the consistency of the EU's policies in reaching the overarching objectives set by the European Council,

- G. whereas the Impact Assessment Board (IAB) is considered by the Commission to be independent although it is under the authority of the President of the Commission and is composed of high-level officials from several DGs and chaired by the Deputy Secretary-General; whereas this leads to an information bias and thus to a violation of necessary neutrality,
- H. whereas Parliament has on a number of occasions expressed support for the use of independent impact assessments in the European Union,
- I. whereas the impact assessments carried out by the Commission are inconsistent in their quality level and frequently serve rather to justify a legislative proposal than to permit an objective consideration of the facts,
- J. whereas impact assessments may be used to create unnecessary bureaucratic impediments to the further development or entry into force of European legislation and policies,
- K. whereas Parliament, the Council and the Commission in the Interinstitutional Agreement of 16 December 2003, the Interinstitutional Common Approach to Impact Assessments of November 2005, and Parliament and the Commission in the Framework Agreement of 20 October 2010, undertook to set an agenda for better lawmaking, and whereas this resolution contains concrete proposals for improving impact assessments,
- L. whereas the Commission is pursuing a new kind of approach in industrial policy, whereby all political proposals with significant effects on the economy should be analysed in detail as to their impact on competitiveness,

#### ***General requirements for impact assessments at European level***

1. Stresses that impact assessments are an important aid to smart and better lawmaking during the whole policy cycle which the makers of EU law should exploit more often in order to help them evaluate more effectively the economic, social, environmental and health related consequences of their policy options, as well as their impact on citizens' fundamental rights, bearing in mind that cost/benefit-analysis constitutes one criterion among others;
2. Welcomes the Smart Regulation Communication, and emphasises that impact assessments should play a key role throughout the whole policy cycle, from design to implementation, enforcement, evaluation and to the revision of legislation; stresses the importance of well-considered and fully informed decision-making at the design stage of legislative proposals, because this can lead to both improved quality of outcomes and a shorter legislative process;
3. Stresses the need for thorough impact assessments as a prerequisite for high-quality legislation and correct transposition, application and enforcement;
4. Stresses that an impact assessment is in no way a substitute for political debate and the legislator's decision-making process but merely serves to help the technical preparation of a political decision;
5. Stresses that impact assessments need to be carried out in the early stages of policy

development; emphasises that they should be completely independent and should always be based on an objective, reasoned analysis of potential effects;

6. Stresses that, in line with the Interinstitutional Agreement on Better Lawmaking, co-legislators have undertaken to carry out impact assessments when they consider this to be appropriate and necessary for the legislative process, prior to the adoption of any substantive amendment;
7. Considers it necessary to involve external experts from all policy areas as well as all stakeholder groups affected in the impact assessment process in order to guarantee independence and objectivity; stresses in this connection the fundamental distinction between public consultation and independent impact assessment; notes that the final outcome and the control of the methodology and quality of the impact assessment should remain with the European Union institutions in order to ensure that they are carried out to the same high standard;
8. Calls for the maximum of transparency when drawing up impact assessments, including the early publication of comprehensive Road Maps of proposed legislation to ensure equal access to the legislative procedure for all stakeholders; considers therefore also that the Commission's current consultation period should be extended to 12 weeks;
9. Takes the view that it should not be possible for impact assessments on projects or legislation sponsored by public administrations or their dependent undertakings to be approved by the administration concerned;
10. Considers that it is essential that impact assessments are scrutinised by Member States ex-ante, to assess the effects of proposed legislation on national laws and public policies; calls for greater ex-post evaluation to be carried out and for further consideration of the inclusion of mandatory correlation tables to ensure that EU legislation has been correctly implemented by Member States and has met its objectives;
11. Believes the impact assessment to be a suitable instrument for verifying the relevance of Commission proposals, and in particular compliance with the principles of subsidiarity and proportionality, and for explaining more clearly to the co-legislators and the public at large the reasons behind opting for a given measure;
12. Stresses that the key elements of a good impact assessment are recognition of the problem, consultation of the parties concerned, definition of the objectives to be achieved and the elaboration of strategic policy options;
13. Considers it important for new legislative proposals to be accompanied by an impact assessment; notes that this may also apply to the simplification and recasting of EU law and to delegated acts and implementing acts pursuant to Articles 290 and 291 TFEU, where appropriate;
14. Regards the impact assessment as a 'living document' forming part of the lawmaking process; stresses the need to guarantee sufficient flexibility so that further impact assessments can be conducted during the lawmaking process;
15. Calls for impact assessments to not focus exclusively on cost/benefit-analysis but to take a large number of criteria into account, in accordance with the principle of an integrated

approach, in order to provide the legislator with as comprehensive a picture as possible; draws attention in this context to the economic, social and environmental aspects referred to in the interinstitutional agreement of 16 December 2003 and the common approach of 2005, which are to be combined in a single evaluation; underlines, in this respect, the need to ensure consistency between policies and activities of the EU by taking all of its objectives into account and in accordance with the principle of conferral of powers as laid down in Article 7 TFEU;

16. Urges that, in connection with the impact assessment, a cost-benefit analysis – i.e. an examination of the cost-efficiency of all programmes and measures involving expenditure – should always be carried out, and potential implications for small and medium-sized enterprises (SMEs) examined; calls in this connection for the consistent application of the ‘SME test’ proposed in the 2008 Small Business Act; recalls in this context that in every law imposing burdens on SMEs there should be a careful evaluation of existing regulations with the aim at reducing the overall regulatory burden on SMEs;
17. Calls, in the context of impact assessments, for an intensive analysis to be carried out on all new policy proposals with significant effects on industrial competitiveness; further calls for an ex-post assessment of the impact of EU legislation on the competitiveness of the European economy; notes that the Commission in fact promised such a procedure in its communication on an Integrated Industrial Policy for the Globalisation Era;
18. Emphasises the need to learn lessons from the ex-post evaluation of existing legislation and an analysis of relevant case law of the Court of Justice, and for a proper discussion to take place on the strategic choices available in a certain policy area before new legislation is proposed;
19. Urges that impact assessments at European level should look into the European added-value in terms of what savings will result from a European solution and/or what supplementary costs would arise for the Member States in the absence of a European solution;
20. Believes that the impact on EU economic partnerships as well as the implications of choosing a specific European standard instead of an international standard should be taken into consideration in impact assessments;
21. Stresses that impact assessments must fully consider the alternatives available to the legislator, which should always include a serious examination of the option of taking no action;
22. Stresses that impact assessments must not lead to more bureaucracy and unnecessary delays in the legislative procedure; however, impact assessments must be allowed sufficient time in order to produce a reliable result; further stresses in this connection that impact assessments should not be abused as a means of holding up unwanted legislation; urges, therefore, that the technical and administrative conditions be created to ensure that impact assessments are carried out speedily and promptly, e.g. through such instruments as framework agreements, accelerated tendering procedures and the optimal use of resources;
23. Urges, in accordance with the Best Practice principle, that use be made of experience gained in other countries where impact assessments have already been carried out for several years, in order to further improve impact assessments at EU level;

24. Calls for impact assessments to be updated during the course of the legislative process as a whole, to enable account to be taken of changes occurring during this process;
25. Stresses that impact assessments should not take place only before the adoption of a legislative text (ex-ante) but should also be carried out after its adoption (ex-post); points out that this is necessary in order to evaluate more accurately whether the objectives of a law have actually been achieved and whether a legal act should be amended or retained; stresses nevertheless that the ex-post evaluation should never replace the Commission's duty as "Guardian of the Treaties" to monitor effectively and in a timely manner the application of Union law by Member States;
26. Underlines the Commission's primary responsibility for conducting high quality impact assessments of its proposals when exercising its right of initiative in accordance with the Treaty;

***Potential for improvement at Commission level***

27. Acknowledges that the quality of Commission impact assessments has gone up in recent years, but stresses that there is further need for improvement;
28. Refers in this connection to the Commission's Impact Assessment Board (IAB) founded in 2006, which is responsible for the development of Commission impact assessments;
29. Stresses that the members of the IAB are independent only in formal terms, since they are currently appointed by and subject to the instructions of the Commission President, and cannot therefore be said to be fully independent; calls, therefore, for the members of the IAB to be scrutinized by the European Parliament and the Council prior to appointment and no longer be subject to the instructions of the Commission President; calls for the work of the IAB and experts to take place in the public remit with the highest transparency so that their independence can be verified in practice;
30. Calls also for the involvement of experts from all policy areas as well as all stakeholder groups affected in the IAB's work; call for these experts to come from outside the Commission and not be subject to instructions;
31. Calls for the early and comprehensive involvement – including by means of notification and interim reports – of the European Parliament, and in particular of its relevant committees, in the whole impact assessment process and in the work of the IAB; invites the Commission to provide Parliament and the Council with two-to-four-page summaries with the full impact assessment, including when relevant an explanation for the reasons for not carrying out an impact assessment, when submitting the legislative proposal in order to verify that all relevant issues are addressed without jeopardizing the independence of the assessment by influencing the actual evaluation;
32. Notes that, in carrying out its impact assessments, the Commission should also consult with the Member States, because the latter must later transpose the directives into national law, and national authorities usually know better how legal provisions will work in practice;
33. Emphasises that smart regulation based on complete and objective impact assessment remains the shared responsibility of the European institutions, and that the Commission must therefore also take into account feedback received from the European Parliament, the

Committee of the Regions, the European Economic and Social Committee and the Member States;

34. Notes that, before the final adoption of an impact assessment, its preliminary results must always be subjected to an external review; calls for the findings of this review to be publicly accessible;
35. Notes the criticism by the European Court of Auditors to the effect that the Commission sometimes undertakes legislative initiatives even though the impact assessment process has not been completed; further notes the criticism that not all policy options may receive the same level of attention; stresses that all policy options must be fully considered in the impact assessment process;
36. Calls, in the interest of greater transparency, for the publication of the names of all experts and other participants in the impact assessment process as well as of their declaration of interests;
37. Calls, in connection with public consultations, for the early notification of stakeholder groups concerning any planned consultation; further takes the view that stakeholder groups should be given the opportunity, as part of the public consultation process, to comment on impact assessments, and that this should take place in good time, before the Commission proposal is published;
38. Insists that the data used by the Commission be reliable and comparable;
39. Calls on the Commission, in its impact assessments, to look systematically at the administrative burden imposed by proposed legislation, and always to state clearly which of the options assessed eliminates the most administrative burdens or creates fewest new ones;
40. Notes that presenting the results of an impact assessment at the same time as a legislative proposal is unhelpful, as it gives the impression that the principal aim of the impact assessment is to justify the Commission proposal; therefore advocates the early publication of documents at every stage of the legislative process, including the publication of the Commission's final impact assessment, as approved by the IAB, before inter-service consultations begins;
41. Suggests that all completed impact assessments by the Commission should be published in a special publication series by the Commission so that they can easily be referenced and searched by the public on a dedicated website;
42. Calls for the ex-post evaluation by the Commission of legal acts adopted; reiterates nevertheless that the ex-post evaluation should never replace the Commission's above-mentioned duty to monitor the application of Union law by Member States;
43. Calls on the Commission to provide substantial comments on the impact assessments carried out by Parliament;

***Potential for improvement at European Parliament level***

44. Calls on its committees to make more consistent use of the parliamentary impact assessment, an instrument which is already available; recalls that there is a specific budget line to cover the carrying out of impact assessments; considers recourse to a parliamentary impact

assessment particularly necessary when substantive changes to the initial proposal have been introduced;

45. Further recalls that impact assessments need not form part of a time-consuming study but may also take the form of limited studies, workshops and expert hearings;
46. Takes the view that a standard citation should systematically be included by Parliament in its legislative resolutions, by which a reference is made to consideration of all impact assessments conducted by the EU institutions in the areas relevant to the legislation in question;
47. Notes that Parliament and its committees already possess the machinery with which to scrutinise the Commission's impact assessments; considers that a presentation of the impact assessment by the Commission to the relevant committees would be a valuable addition to the scrutiny undertaken in the Parliament; notes that such scrutiny may also take a number of other forms, including complementary impact assessments, more detailed analyses, the review of Commission impact assessments by external experts and the holding of special meetings with independent experts; stresses that the work of its policy departments in this area should develop in a consistent manner;
48. Stresses that Parliament impact assessments should be regarded as a corrective to the Commission's impact assessments;
49. Calls for Commission impact assessments to be examined systematically and as early as possible at parliamentary, and in particular at committee, level;
50. Stresses that the decision to carry out a parliamentary impact assessment must be taken in Parliament's relevant committee with the participation of the rapporteur; urges that its Rules of Procedure be amended so as to enable one quarter of the committee's members to order an impact assessment to be carried out;
51. Encourages all its committees, before considering a legislative proposal, to hold an in-depth discussion with the Commission on the impact assessment;
52. Stresses that impact assessments carried out during the course of the parliamentary legislative process are also important; urges that Parliament should examine the possibility of an impact assessment where substantial amendments are made at any stage of the legislative process; notes, however, that this should not lead to long delays;
53. Calls in addition for individual Members to have the scope to request small studies to provide them with relevant facts or statistics in areas relating to their parliamentary work, and suggests that such studies may be undertaken by the European Parliament's library to complement its current functions;
54. Calls therefore for Parliament to adopt plans for its library to provide members with this service; stresses that any plans should be based on the best practices of parliamentary libraries, including those of Member States, and should be carried out, according to strict rules and in full cooperation with the research function serving committees;

***Creation of an autonomous impact assessment structure for the European Parliament, and prospects for the future***



55. Stresses the importance of a uniform impact assessment mechanism for the quality and coherence of its own policy formation;
56. Calls, therefore, for the establishment of an integrated impact assessment process within the European Parliament; proposes in this context that a common impact assessment procedure be developed on the basis of a common system and methodology used by all committees;
57. Urges that this should take place under the aegis of an autonomous structure which makes use of the Parliament's own resources, for instance by involving the library and the policy departments, and includes external experts, such as seconded officials from national impact assessment facilities, on an ad hoc basis for individual impact assessments, which would be answerable to the European Parliament through a supervisory board consisting of members;
58. Calls for the necessary administrative infrastructure to be created to this end, making sure that any such infrastructure is budget neutral, by making use of existing resources;
59. Stresses that long-term deliberations should take place on the prospects of a common approach to impact assessments by the European institutions; recalls that the interinstitutional agreement of 16 December 2003 and the interinstitutional common approach to impact assessments of November 2005 already called for a common methodological approach to impact assessments in the European institutions;
60. Regrets that the Commission opposes the idea of a common approach to impact assessment by the European institutions;
61. Notes that the Council has hitherto made very little use of impact assessment as an instrument; calls therefore on the Council too to make more intensive use of impact assessments, in line with the above-mentioned interinstitutional common approach to impact assessments, in order to improve the quality of its contribution to EU legislation; emphasises that smart regulation based on complete and objective impact assessment remains the shared responsibility of the EU institutions and of the Member States;

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62. Instructs its President to forward this resolution to the Council and Commission.