



CONSEIL DE
L'UNION EUROPÉENNE

Bruxelles, le 19 février 2013

6637/13

PE 73
INST 84

NOTE

du:	Secrétariat Général du Conseil
aux:	délégations
Objet:	Compte-rendu de la réunion de la commission des affaires constitutionnelles (AFCO) , tenue à Bruxelles les 18 et 19 février 2013

La réunion a été présidée par M. CASINI (PPE, IT).

Point 4 à l'ordre du jour

Statut et financement des partis politiques européens et des fondations politiques européennes
AFCO/7/10671

Rapporteur: Mme GIANNAKOU (PPE, EL)

- Examen du projet de rapport

Ms GIANNAKOU (EPP, EL) indicated that twenty compromise amendments had been prepared, dealing mainly with registration, annual verification, and the handling of complaints relating to European political parties. She added that the EP's legal service would be asked to clarify the outstanding legal issues, and that the AFCO vote could be scheduled for 11 March.

Mr DUFF (ALDE, UK) stressed that, in view of the intensive discussion expected with the Council, the AFCO vote should take place as soon as possible. His call was echoed by Mr GUERRERO (S&D, ES), Mr TRZASKOWSKI (EPP, PL), Mr WIELAND (EPP, DE), Mr HÄFNER (Greens/EFA, DE) and Mr SCHOLZ (GUE/NGL, DE). Mr DUFF felt that the proposed compromise amendments went in the right direction, but stressed that issues such as the number of

Member States in which European political parties have to be represented would have to be decided by vote. He said that the problem of the statute's implementation gave rise to disagreements within AFCO as well as with the Council, and urged in this respect not to ignore the implementing powers provided for the Commission by Article 291(2) TFEU.

Mr GUERRERO (S&D, ES) felt that the outstanding legal issues ought to be clarified prior to the AFCO vote and indicated that the compromise amendments went in the right direction. He mentioned in particular the objective registration criteria, annual verification, and the final word given to the European Court of Justice - with the prior involvement of a committee of eminent persons - in disputes concerning the registration of European political parties.

Mr TRZASKOWSKI (EPP, PL) urged that the registration process be depoliticised and provision made for the involvement of courts. He doubted that legal experts could clarify all the remaining issues. Mr WIELAND (EPP, DE) regretted that the compromise amendments did not cover all the tabled amendments. He opposed the reference to a committee of eminent persons, stressing that no extra body was necessary. He further indicated that unspent contributions should be allocated to political parties and felt that the wording used concerning gender representation in the parties was vague. Mr WIELAND also said that EU funding should primarily benefit the political parties which are represented in the EP.

Mr HÄFNER (Greens/EFA, DE) said that there were different views as to what a political party is, but felt that formal requirements should be enough and that already established political parties should not enjoy preferential treatment. He opposed the compromise proposal on the obligation for European political parties or their affiliated nationally recognised member parties to be represented in at least one quarter of Member States and said that the objectivity of the registration process ought to be guaranteed by the ECJ.

Mr SCHOLZ (GUE/NGL, DE) thanked the rapporteur for the compromise amendments, but opposed the compromise amendment providing that European political parties shall campaign for the EP elections on the grounds that it unduly restricted the scope of the Regulation. He called for a simple registration procedure, and felt that the final decision on registration should be taken transparently by a court. Mr SCHOLZ said that the compromise amendment providing that the admission, resignation and exclusion of both individual members and affiliate member parties shall

be regulated in the statutes of European political parties should be clarified and that the ECJ's case-law prevented refunding the costs of election campaigns.

Mr AGNEW (EFD, UK) opposed any public funding of political parties, whilst Mr BRONS (NI, UK) stressed that the EP was not a judicial body, but a political one. Mr BRONS also opposed the compromise amendment on gender representation and expressed his concern that the acts of a single member could lead to the de-registration of a European political party.

Ms GIANNAKOU felt that it was not necessary to have an exhaustive list of fundamental rights, and indicated that the three institutions would have the opportunity to refer a case to the ECJ following an opinion from a committee of eminent persons. Ms GIANNAKOU said that a political party could not be defined, but that criteria could be laid down. She concluded by asking to meet the shadow rapporteurs during the week.

Mr CASINI (EPP, IT) indicated at the end of the exchange of views that the AFCO vote would in principle take place on 11 March.

Point 5 à l'ordre du jour

Composition du Parlement européen en vue des élections de 2014

AFCO/7/11303

Co-rapporteurs: MM. TRZASKOWSKI (PPE, PL) et GUALTIERI (S&D, IT)

- Échange de vues

Mr TRZASKOWSKI (EPP, PL) opposed the amendments going against the pragmatic approach defended by the co-rapporteurs or changing the allocation of seats between Member States, but said that compromises could be envisaged on other issues, such as references to the link to be made with Member States' voting rights in the Council. Mr TRZASKOWSKI also opposed references to specific mathematical formulas. Mr GUALTIERI (S&D, IT) agreed on the need to strengthen the reference to the undertaking by the EP to submit a proposal for a decision before the end of 2015 on a durable and transparent system for the apportionment of seats, to be discussed in conjunction with the issue of voting rights in the Council. Mr GUALTIERI insisted on the need for the report to enjoy the broadest possible support in the EP in view of the decision to be unanimously taken by the European Council.

Mr DUFF (ALDE, UK) said that his group was keen to link the issue of the EP's composition to that of the voting rights in the Council. He invited Irish MEPs to accept that Croatia and Ireland ought to have the same number of MEPs, and supported the amendments addressing the issue of the two seat difference between Hungary and Sweden.

Mr HÄFNER (Greens/EFA, DE) called for the introduction of a mathematical rule to govern the allocation of seats, and said that his willingness to endorse the co-rapporteurs' pragmatic approach would depend on the opening of a perspective for such a durable solution. He also stressed the need for a sustainable definition of degressive proportionality.

Mr RANGEL (EPP, PT) expressed his support for the co-rapporteurs' approach, even if it led to some Member States losing one seat. He said that an increase in the overall number of MEPs would send the wrong signal and opposed the use of mathematical formulas because of the political nature of the issue at stake. Mr RANGEL also stressed the link between the apportionment of EP seats and the Council voting rights and said that the issue of the allocation of seats among Austria, Hungary and Sweden should be addressed.

Mr SCHOLZ (GUE/NGL, DE) praised the co-rapporteurs for their work. He insisted on the need for a fundamental reform of the rules on the apportionment of seats after 2014, and felt that an amendment of the Treaties would at some point be needed.

Ms REGNER (S&D, AT) stressed the need for a durable solution and felt that the co-rapporteurs had done their best. Concerning the issue of the apportionment of seats between Hungary, Sweden, and Austria, she said that Hungary should in principle lose two seats, but pointed out that that would go against the approach defended by the co-rapporteurs. Ms REGNER warned that, if the co-rapporteurs' proposal were unravelled, additional demands would be put forward and that, if a seat were to be taken away from Austria, it would merely shift the unfairness in the representation from Sweden to Austria.

Mr TRZASKOWSKI acknowledged that AFCO would have to decide on the allocation of seats between Sweden and Austria. He added that a consensus was unlikely if a specific mathematical formula were to be discussed, given the link with the issue of voting rights in the Council.

Mr GUALTIERI hoped that a broad consensus could be reached on the compromise amendments, and that the report would send the signal that an objective mechanism for the apportionment of seats

was needed in the framework of an overall discussion including the issue of Council voting rights. Mr GUALTIERI expressed his understanding for the reasons behind the amendments on the representation of Sweden and Austria, but recalled that the seat difference between Hungary and Sweden pre-dated the report and had previously been approved by the EP.

Point 6 à l'ordre du jour

Projet de protocole sur l'application de la Charte des droits fondamentaux de l'Union européenne à la République tchèque (consultation)

AFCO/7/07564

Rapporteur: M. DUFF (ALDE, UK)

- Examen des amendements

M. DUFF (ALDE, UK) a indiqué que la majorité des groupes politiques souhaitait passer au vote sur ce projet de rapport. Il a rappelé qu'il proposait, d'une part, d'appeler les États membres à ne pas entamer la ratification du protocole avant que le parlement tchèque n'y ait procédé et, d'autre part, que le Parlement européen se limite à se féliciter de sa consultation par le Conseil européen.

M. DUFF a appelé au rejet des amendements du groupe ECR et espéré qu'une large majorité soutiendrait son projet, sans apporter de modifications à l'argumentaire repris dans ses considérants.

Mme BRZOBOHATÁ (S&D, CZ) a indiqué que le Sénat tchèque s'opposait au protocole tchèque afin de préserver les droits des citoyens tchèques, et a appelé à rejeter les amendements déposés.

M. SCHÖPFLIN (EPP, HU) a qualifié le projet de rapport d'acceptable et a appelé à attendre la ratification du protocole par le parlement tchèque. M. HÄFNER (Verts/ALE, DE) a estimé que le protocole tchèque posait question quant à l'intégrité du droit de l'UE et appelé à attendre le verdict du parlement tchèque avant d'entamer le processus de ratification.

M. AGNEW (EFD, UK) a considéré que la Charte des droits fondamentaux de l'UE s'appliquait au Royaume-Uni et s'est par conséquent opposé à l'amendement 5, qu'il a considéré comme visant à occulter cette réalité. M. MESSERSCHMIDT (EFD, DK) a regretté que le projet de rapport ne traite pas de la question des implications sociales de la Charte des droits fondamentaux et a indiqué qu'il voterait contre le rapport en cas de rejet de ces amendements du groupe ECR relatifs aux considérants K, L et M. M. BRONS (NI, UK) a estimé probable que les auteurs du protocole sur la

Charte des droits fondamentaux aient eu pour objectif d'induire en erreur l'électorat du Royaume-Uni.

M. DUFF a marqué son accord sur l'utilité d'un débat sur le protocole en République tchèque, et annoncé que le vote en plénière était prévu en mars.

Point 8 à l'ordre du jour

Problèmes constitutionnels d'une gouvernance à plusieurs niveaux dans l'Union européenne

AFCO/7/08793

Corapporteurs: Mr TRZASKOWSKI (PPE, PL) and Mr GUALTIERI (S&D, IT)

- Examen du projet de rapport

L'examen de ce point a été reporté.

Point 9 à l'ordre du jour

Communication du président sur les recommandations des coordinateurs

M. CASINI (PPE, IT) a indiqué que la Conférence de présidents avait autorisé AFCO à préparer un rapport d'initiative sur la question du siège du Parlement, et que les co-rapporteurs seraient MM. FOX (ECR, UK) et HÄFNER (Verts/ALE, DE). Il a ajouté que les coordinateurs s'étaient rangé à l'avis de JURI sur le droit d'enquête du Parlement européen, et qu'AFCO n'émettrait par conséquent pas d'avis. M. CASINI a également précisé que les négociations inter-institutionnelles sur les partis politiques européens débuteraient après le vote d'AFCO sur le rapport de Mme GIANNAKOU (PPE, EL).

*** *Heure des votes* ***

Point 10 à l'ordre du jour

Composition du Parlement européen en vue des élections de 2014

AFCO/7/11303

Co-rapporteurs: MM. TRZASKOWSKI (PPE, PL) et GUALTIERI (S&D, IT)

- Adoption du projet de rapport

Les amendements de compromis proposés par les co-rapporteurs ont été adoptés. En outre, l'amendement 52 a été approuvé, avec pour résultat que l'Autriche se voit attribuer 18 sièges au lieu des 19 proposés par les co-rapporteurs, et la Suède 20 sièges au lieu des 19 proposés. Lors du vote final, le projet de rapport a recueilli 21 votes en faveur ainsi qu'une abstention.

Point 11 à l'ordre du jour

Projet de protocole sur l'application de la Charte des droits fondamentaux de l'Union européenne à la République tchèque (consultation)

AFCO/7/07564

Rapporteur: M. DUFF (ALDE, UK)

- Adoption du projet de rapport

Le projet de rapport a été adopté à une large majorité, la plupart des amendements déposés par le groupe ECR ayant été rejetés.

*** *Fin des votes* ***

Point 15 à l'ordre du jour

Prochaine(s) réunion(s)

- 18 mars 2013, de 15 heures à 18 h 30 (Bruxelles)
- 19 mars 2013, de 9 heures à 12 h 30 (Bruxelles)