



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 24 June 2013**

**11540/13**

**PE 308  
JUR 331**

**NOTE**

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from:	General Secretariat
to:	Delegations
Subject:	Summary record of the meeting of the <b>Committee on Legal Affairs (JURI)</b> of the European Parliament, held in Brussels on 20 and 21 June 2013

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The meeting was chaired by Ms ESTRELA (S&D, PT), Ms REGNER (S&D, AT), Mr LEHNE (PPE, DE) and Ms CASTEX (S&D, FR).

***Item 1 on the agenda***

***Joint JURI/FEMM committee meeting (Rule 51)***

**Gender balance among non-executive directors of companies listed on stock exchanges**

CJ02/7/11681

Rapporteurs: Ms REGNER (S&D, AT) and Ms KRATSA-TSAGAROPOULOU (PPE, EL)

Exchange of views with national Parliaments

Presentation of working document

JURI and FEMM committees hold a joint meeting with the participation of representatives of national Parliaments, with a view to conducting an exchange of views and to engage in a common reflection process.

The co-rapporteurs presented the working document, submitted as a basis for debate. They recalled that the proposal for a Directive establishes measures aimed at accelerated progress towards gender balance among the non-executive directors, that should be applied to listed on stock exchanges companies - excluding SMEs. The proposal had required Member States to ensure that these companies make appointments of women to those positions in order to attain 40 % at the latest by 1 January 2020 or, in the case of listed companies which are public undertakings - by 1 January 2018. The co-rapporteurs reiterated their support for the Commission proposal and pointed out that number of questions for discussion had been identified, e.g. on the adaptation of the Directive's scope, in particular on medium SMEs; on the binding aspects of the directive, which should be clarified and reinforced; and on the improvement of the sanctions provisions.

The Council Presidency representatives (current Irish and future Lithuanian Presidencies) stressed that in the Council there was a strong consensus in support of the Commission proposal's objectives but that the opinions were divergent on the means to reach them. They pointed out that the differences between the situation in Member States should be taken into account and that the principles of subsidiarity and proportionality should be respected.

During the exchange of views, speakers from national parliaments broadly supported the opinion that flexibility should be definitely applied in order to take into account specificities of the situation in different Member States. Representatives of left-oriented political parties were basically rather more supportive for the proposal - and even suggested to strengthen it further - than those of the right-oriented political parties, who were more reluctant and expressed concerns regarding the subsidiarity and the proposed binding provisions.

*Timetable:*

*Presentation of the draft report: 8-9 July 2013*

*Vote JURI-FEMM: October 2013*

*Joint debate on items 5 and 25:*

***Item 5 on the agenda***

**Approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products**

JURI/7/11572

Rapporteur for the opinion: Mr LEHNE (PPE, DE)

Rapporteur for the responsible committee (ENVI): Ms McAVAN (S&D, UK)

- Consideration of amendments

and

***Item 25 on the agenda***

***Delegation of legislative powers (Rule 37a) – consideration of recommendation***

**Approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products**

Rapporteur for the opinion: Mr STOYANOV (NI, BG)

Adoption of draft opinion in letter form

The rapporteur for the opinion, Mr LEHNE (PPE, DE), reiterated his conviction that efforts to reduce tobacco consumption should indeed continue but stressed that the EU should be reasonable and realistic in its approach. He pointed out that certain provisions of the Commission's proposal raised legal concerns, related mainly to the legal base chosen by the Commission, to fundamental rights such as the right to property, and to the principle of proportionality.

In this context, he recalled that the Commission proposal was based on Article 114(1) TFEU on the establishment and improvement of the functioning of the internal market but, however, according to him, the proposal was actually aimed rather at achieving a higher level of health protection.

Mr LEHNE pointed out that measures in that effect were to be taken by the Member States and not the by the EU.

He also said that certain of the proposed measures on the packaging of tobacco products were not in conformity with the intellectual property rights.

Mr LEHNE considered also that the proposed ban on menthol and on slim cigarettes, as well as on nicotine-containing products (NCPs, such as e-cigarette) if they are not authorised pursuant to the Medicinal Products Directive, should be questioned.

He expressed concern on the large number of provisions delegating powers to the Commission, some of which were related, according to him, to essential elements of the proposal and were thus contrary to Article 290 TFEU.

Mr LEHNE tabled 62 amendments in order to improve the Commission proposal regarding the identified issues of concern. He expressed his readiness to reach compromises on the 109 amendments tabled by JURI members and stressed that the proposal should take into account national traditions and cultures in order to be acceptable for Member States.

The rapporteur on item 25, Mr STOYANOV (NI, BG), recalled that, at the request of the S&D group, the JURI coordinators had decided to give an own-initiative opinion to ENVI, in accordance with paragraph 3 of Rule 37a of the Rules of Procedure, on the delegations of legislative power proposed by the Commission in its proposal. He suggested to recommend to the EP to oppose to the most of the proposed delegated acts as they concerned essential elements of the proposal.

In the subsequent debate, the speakers broadly supported rapporteur's approach and advocated a more moderate and flexible approach in the Directive, respecting individual rights (Mr STOYANOV, Mr ZWIEFKA (PPE, PL), Mr MESZAROS (PPE, SK)). Ms TAYLOR (ALDE, UK) did not entirely support Mr LEHNE's proposal on packaging, but expressed her satisfaction on the reached compromises on NCPs. Mr COFFERATI (S&D, IT) considered that the Commission's approach were plenty appropriate and should be supported.

### ***Item 6 on the agenda***

#### **Amendment of Rule 7 of the Rules of Procedure on the waiver and the defence of parliamentary immunity**

JURI/7/12056

Rapporteur for the opinion: Mr LEHNE (PPE, DE)

Rapporteur for the responsible committee (AFCO): Ms JÄÄTTEENMÄKI (ALDE, FI)

- Consideration of amendments

The discussion on this item was postponed.

### ***Item 7 on the agenda***

#### **Access of third-country goods and services to the Union's internal market in public procurement and procedures supporting negotiations on access of Union goods and services to the public procurement markets of third countries**

JURI/7/09338

Rapporteur for the opinion: Mr BALDASSARRE (PPE, IT)

Rapporteur for the responsible committee (INTA\*): Mr CASPARY (PPE, DE)

- Consideration of amendments

The rapporteur, Mr BALDASSARRE (PPE, IT), recalled that the EU had advocated an ambitious opening of international public procurement markets but, however, many third countries were reluctant to open their procurement markets to international competition. He regretted that EU suppliers faced restrictive procurement practices in many of the countries that were the EU's main trading partners and that, actually, more than half of the world's procurement market was currently closed owing to protectionist measures. He globally supported the Commission proposal and recalled that it aimed to strengthen the position of the EU when negotiating access for EU companies to the public procurement markets of third countries and to clarify the rules governing access by third-country companies, goods and services to the EU's public procurement market. Mr BALDASSARE pointed out that his 45 amendments had the objective to ensure that the rules were uniform and consistent, to make certain provisions more stringent and to simplify the substance of the text. He stressed that he supported the majority of the 32 amendments tabled by JURI members, with some exceptions concerning amendments tabled by the ALDE shadow rapporteur (Ms TAYLOR (UK)) on Article 6, but that he was ready to reach compromises.

*Timetable:*

*Vote JURI: September 2013*

### ***Item 8 on the agenda***

#### **Exchange of views with Vice-President of the European Commission, Maroš Šefčovič, Commissioner for Inter-institutional relations and Administration, in the context of the structured dialogue between Parliament and the Commission**

Mr Šefčovič delivered the statement, set out in the Annex, in which he considered issues concerning administrative law, smart regulation, national parliaments and subsidiary, delegated and implementing acts, revision of Staff Regulations and European political parties. On the last point, Mr Šefčovič stressed that good progress had been achieved on this dossier, despite the difficulties faced during the negotiations, and welcomed the agreement reached at political level.

He underlined that this agreement should be expressed at technical level and hoped that the dossier could be closed under the Irish Presidency.

In the ensuing debate, Mr BERLINGUER (S&D, IT) stressed the importance to achieve progress on the dossier concerning the administrative law, pointing out that the EP had not the intention to "attack" the Commission, but that rules on transparency, access to documents, etc. should be clarified. He insisted for more proximity and effectiveness for European citizens.

Ms LICHTENBERGER (Verts, AT) supported him and regretted the increased number of delegated acts proposed by the Commission, as did Mr GARGANI (PPE, IT), who nevertheless was more optimistic. Mr LEHNE also insisted for more careful approach of the Commission concerning the delegated and implementing acts and supported Mr BERLINGUER on the administrative law.

### ***Joint debate on items 9 and 10:***

#### ***Item 9 on the agenda***

##### **Community trade mark**

JURI/7/12383

Rapporteur: Ms WIKSTRÖM (ALDE, SE)

- Exchange of views

#### ***Item 10 on the agenda***

##### **Laws of the Member States relating to trade marks (Recast)**

JURI/7/12377

Rapporteur: Ms WIKSTRÖM (ALDE, SE)

- Exchange of views

Ms WIKSTRÖM (ALDE, SE) reiterated her opinion that the package on trade marks should contain three proposals under ordinary legislative procedure, stressing that the proposal for an implementing act to revise Commission Regulation 2869/95 on the fees payable to the Office for Harmonisation in the Internal Market (OHIM) should be considered as a part of the package. She insisted on the guarantee of the EP role concerning OHIM and mentioned in this context the Common Approach on EU agencies, agreed in 2012. Ms WIKSTRÖM detailed some orientations on the future reflection on this dossier.

Speakers broadly supported the rapporteur on this point and on her approach of trying to close the dossier before the end of the legislative term but without concessions on quality. They welcomed the working methods and called on very careful analysis on the added value of the proposal (Mr ENGSTRÖM (Verts, SE), Ms GALLO (PPE, FR), Mr LEHNE).

*Timetable:*

*Hearing: July 2013*

*Consideration of the draft report: September 2013*

***In camera - items 11-13:***

***Item 11 on the agenda***

**Disputes involving Parliament (Rule 128)**

***Item 12 on the agenda***

**Verification of credentials (Rule 3)**

***Item 13 on the agenda***

**Request for the waiver of the parliamentary immunity of Marine Le Pen**

JURI/7/11535

Rapporteur: Ms WIKSTRÖM (ALDE, SE)

- Adoption of draft report

***Item 14 on the agenda***

**Disclosure of non-financial and diversity information by certain large companies and groups**

JURI/7/12511

Rapporteur: Mr BALDASSARRE (PPE, IT)

- Exchange of views

The rapporteur, Mr BALDASSARRE (PPE, IT), welcomed the Commission's proposal for Directive. He recalled that only a limited number of large companies regularly publish non-financial information, and that the quality of the information disclosed varies, making it difficult for investors and stakeholders to understand and compare companies' situation and performance. He also stressed that national requirements were quite different, which adds to the lack of clarity.

Mr BALDASSARE pointed out that, in several resolutions on Social Responsibility, the EP had acknowledged the need to increase transparency in this field. In this context, he explained that the legislative proposal focused on two main points:

- requirement to certain large companies to include in their Annual Report a statement containing material information on environmental, social, and employee-related matters, respect of human rights, anticorruption;

- requirement to large listed companies to provide information on their diversity policy, including aspects concerning age, gender, geographical diversity, and educational and professional background.

*Timetable:*

*Consideration of the draft report: September 2013*

***Item 15 on the agenda***

**Promoting the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the EU**

JURI/7/12598

Rapporteur: Mr RAPKAY (S&D, DE)

- Exchange of views

The Commission representatives explained the role of the Internal Market Information System (IMI) - an online application enabling Member States' authorities to establish a direct contact between them concerning the public documents. They also presented the proposal for a Regulation simplifying the acceptance of certain public documents in the EU, and pointed out that it aimed to make formalities easier for citizens who move across borders. They recognised that the administrative formalities across borders are generally considerably more complicated than within individual Member States: e.g. citizens may have to have their documents legalised by diplomatic authorities (legalisation or apostille), provide expensive certified translations or submit certified copies of official records.

The rapporteur, Mr RAPKAY (S&D, DE), welcomed the proposal and considered that it had the potential to make the cross-border lives of European citizens considerably easier. Speakers stressed the concrete utility of such a legislation (Mr LEHNE, Ms LICHTENBERGER) and called to carefully examine the list of documents (Mr SPERONI (EFD, IT)).



*Timetable:*

*Consideration of the draft report: July 2013*

**\*\*\* Voting time \*\*\***

***Item 16 on the agenda***

**Decisions in matters of matrimonial property regimes**

JURI/7/05680

Rapporteur: Ms THEIN (ALDE, DE)

- Adoption of draft report

*The report was adopted with 23 votes in favour and 2 abstentions.*

***Item 17 on the agenda***

**Decisions regarding the property consequences of registered partnerships**

Rapporteur: Ms THEIN (ALDE, DE)

- Adoption of draft report

*The report was adopted with 23 votes in favour and 2 abstentions.*

***Item 18 on the agenda***

**Proposal for a regulation of the European Parliament and of the Council amending the Statute of the Court of Justice of the European Union by increasing the number of judges at the General Court**

JURI/7/09731

Rapporteur: Ms THEIN (ALDE, DE)

- Adoption of draft report

*The report was adopted with 23 votes in favour and one vote against.*

***Item 19 on the agenda***

**Electronic identification and trust services for electronic transactions in the internal market**

JURI/7/09804

Rapporteur for the opinion: Mr MÉSZÁROS (PPE, SK)

Rapporteur for the responsible committee (ITRE\*): Ms ULVSKOG (S&D, SE)

- Adoption of draft opinion

*The opinion was adopted with 24 votes in favour, by unanimity.*

***Item 20 on the agenda***

**Approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products**

JURI/7/11572

Rapporteur for the opinion: Mr LEHNE (PPE, DE)

Rapporteur for the responsible committee (ENVI): Ms McAVAN (S&D, UK)

- Adoption of draft opinion

*The opinion was adopted with 14 votes in favour, 6 votes against and 4 abstentions.*

***Item 21 on the agenda***

**Amendment of Rule 7 of the Rules of Procedure on the waiver and the defence of parliamentary immunity**

JURI/7/12056

Rapporteur for the opinion: Mr LEHNE (PPE, DE)

Rapporteur for the responsible committee (AFCO): Ms JÄÄTTEENMÄKI (ALDE, FI)

- Adoption of draft opinion

*The vote on this item was postponed.*

***Item 22 on the agenda***

**Opinion on the motion for a resolution by Cristiana Muscardini on domestic and intercountry adoptions in the Member States of the Union – B7 0459/2012, under Rule 120**

- Adoption of draft opinion in letter form

*The opinion was adopted by unanimity.*

***Legal basis (Rule 37)***

***Item 23 on the agenda***

**Gender balance among non-executive directors of companies listed on stock exchanges**

JURI/7/11272

Rapporteur for the opinion: Ms REGNER (S&D, AT)

- Consideration of legal basis

*After discussion, the legal basis Article 157(3), suggested by the Commission, was adopted with 11 votes in favour, 6 against and 4 abstentions.*

***Item 24 on the agenda***

**Amendment of Directive 2006/66/EC (placing on the market of portable batteries and accumulators containing cadmium intended for use in cordless power tools)**

JURI/7/12723

Rapporteur for the opinion: Mr SPERONI (EFD, IT)

Rapporteur for the responsible committee (ENVI): Mr PANAYOTOV (ALDE, BG)

- Consideration of legal basis

*The suggested legal basis was adopted by unanimity.*

***Delegation of legislative powers (Rule 37a)***

***Item 25 on the agenda***

***Delegation of legislative powers (Rule 37a) – consideration of recommendation***

**Approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products**

Rapporteur for the opinion: Mr STOYANOV (NI, BG)

- Adoption of draft opinion in letter form

*The vote on this item was postponed.*

*Deadline for amendments - 4 July.*

***Item 26 on the agenda***

**Petition 967/2012 on the disenfranchisement of EU citizens exercising their right to free movement and discrimination based upon nationality under the Charter of Fundamental Rights**

JURI/7/12923

Rapporteur for the opinion: Mr LEHNE (PPE, DE)

- Adoption of draft opinion in letter form

*The opinion was adopted by unanimity.*

***Item 30 on the agenda -ANY OTHER BUSINESS:***

**VOTE -CONSIDERATION OF A LEGAL BASIS**

**Amendment of Directive 2005/36/EC on the recognition of professional qualifications and of Regulation 1024/2012 on administrative cooperation through the Internal Market**

**Information System (IMI)**

JURI/7/13005 - 2011/0435(COD)

Rapporteur for the opinion: Mr SPERONI (EFD, IT)

*The opinion was adopted by unanimity.*

**\*\*\* End of vote \*\*\***

***Item 28 on the agenda***

**Private Copying Levies**

JURI/7/12936

Rapporteur: Ms CASTEX (S&D, FR)

- Exchange of views

The discussion on this item was postponed.

***Item 31 on the agenda***

**Next meeting(s)**

- 8 July 2013, 15.00 – 18.30 (Brussels)
- 9 July 2013, 9.00 – 12.30 and 15.00 – 18.30 (Brussels)

**Meeting with the JURI Committee**

Brussels, 19 June 2013

**Speaking Points of Vice President Šefčovič**

Mr Chairman, Honourable Members,

Thank you for this opportunity to once again attend a meeting of your committee and to continue our "structured dialogue", which is a regular feature of the "special relationship" between our two institutions.

While the European elections in 2014 are approaching rapidly, we are continuing to work on many important files.

From my side, I will therefore be happy to share with you my thoughts in five fields:

- Good administration
- *The reform of the staff regulation*
- Smart regulation
- Delegated and implementing acts
- And an up-date on European political parties

**Administrative law**

I would like to start with good administration.. The Berlinguer report has given an important impulse to the Commission's work in this field, and I would very much like to thank him and this committee for your work in this regard.

As was stated in our response to your resolution, we have decided to follow-up on your recommendations. For this purpose, we have launched a detailed stocktaking exercise of the existing body of administrative provisions and instruments throughout the EU administration as well as possible short comings. Indeed, I think that we need an in depth analysis before taking action because the last thing that I want is an initiative that makes things more complicated or that does not adequately address real problems.

That is why we will – against this background – examine whether problems experienced by citizens with the EU administration actually result from weaknesses in the existing framework; and if so, how such instances could be most effectively avoided in the future.

In this process, we will draw on the expertise of academia, practitioners and experts from the Member States, and also of the Ombudsman. Of course, the valuable work of the European Parliament and this Committee in particular will feed into that process and we will take full account of the recommendations of the Berlinguer report. I would also appreciate it if we could benefit further from your input. I would therefore like to come back to you in the second half of the year to continue our discussion.

In any case, the Commission is anxious to ensure that citizens have clear and easily-accessible information on existing rules and rights. At the plenary debate at the beginning of the year, Mr Berlinguer insisted rightly on clarity and visibility.

Therefore, the Commission will, irrespective of the outcome of its analysis, ensure adequate visibility by creating a web site that would serve as a central gateway for citizens seeking information on administrative procedures and rights. [DATE TO BE ADDED]

I can tell you that we are conducting our analysis with great care, realism and an open mind. We are considering a wide range of options. In line with the framework agreement, we will conclude this exercise at the beginning of next year at the latest.

### **Smart regulation**

Another priority that both our institutions share is smart regulation. We are continuously strengthening our efforts to design regulation that respects the principles of subsidiarity and proportionality and delivers its benefits with minimum costs.

Let me give you some examples of the major initiatives that are now underway:

In March of this year we published the results of a major consultation to identify the most burdensome EU legislative acts - the so-called "Top10" consultation. We have since been busy analysing these results and I can inform you that today the Commission has adopted a Communication indicating its response to this Consultation.

This Communication sets out the action already taken by the Commission for each of the Top10 legislative measures identified as most burdensome.

Where possible, the Commission has itself acted directly to deal with the issue. In other areas, where legislative change is needed, the Commission has made proposals to the co-legislator.

At least 6 of the Top Ten concerns are already addressed by proposals of the Commission which are currently in the legislative process. It is now for Parliament and Council to act on these proposals in order to bring simplification and reduction of regulatory burden to business.

As announced in our Communication on EU Regulatory Fitness of last December we are now implementing the Regulatory Fitness and Performance Programme ("REFIT") which involves the mapping and screening of the entire body of EU legislation.

Whenever burdens, gaps and inefficiencies are identified, we are trying to establish the reasons for it and deciding on the best way to take corrective action.

The Commission will report in October to Parliament and Council on the REFIT programme and on the actions that will be taken.

We announced a number of other important measures in our Communication on EU Regulatory Fitness. For example we are following up the Action Programme for Reducing Administrative Burden (ABRplus) to ensure that our success in the Administrative Burden Action Programme to cut red tape by 25% is bringing concrete benefits to businesses and SMEs. Our report showed that the Commission has out-performed its target by proposing more than 100 burden reduction measures in 13 areas including tax law/VAT, annual accounts, agriculture, labour law, transport, statistics, environment etc. Calculations show that the measures that have been decided at EU level mean annual savings for business of up to 30.8 billion EUR.

We are also sharpening our tools: The Commission will further strengthen its impact assessment system which is already recognised as first class. We have commissioned a study to improve the ex ante assessment of all costs and benefits and have already introduced a standardised two-page summary sheet to facilitate quick identification of key results of the impact assessment, including estimated benefits. We are also reviewing and updating our Impact Assessment guidelines which we will complete in 2014 following a public consultation later this year.

We have further announced plans for more comprehensive and critical evaluations, firmly anchored in the policy process, as well as further improvements to stakeholders' consultations and more support to implementation in the Member States.

Let me also add that Commission decision - making procedures take account of the concerns of SMEs on a systematic basis. We have a close dialogue on regulatory burden with small business, for instance through dedicated conferences in Member States. Our impact assessment system includes an integral SME "test". As you know micro-enterprises are excluded from legislation wherever this is possible. In cases where this is not possible, we seek for lighter regimes that reduce the regulatory costs for SMEs.

Dr Stoiber continues advising the Commission by leading a High Level Group focussing on administrative burden for SMEs and making Member State administrations more efficient and responsive to the needs of SMEs.

The Commission therefore has the necessary tools to minimize the costs of regulations and maximize their benefits. We are focussed on ensuring full application of these tools throughout all phases of the policy cycle.

Finally, let me recall that Smart Regulation is a shared responsibility. The Commission welcomes the support and endorsement of the Institutions for its work to produce high quality proposals and to reduce regulatory burden. The Commission can propose a "Smart" piece of legislation that is altered within the co-decision process or by the Member States when they make their implementation choices. We therefore encourage the co-legislators to carry out more systematically impact assessments on the amendments they propose and invite them to fully support the simplification and regulatory cost reduction proposals and the REFIT programme generally. The Commission also invites Member States to implement EU legislation in the least burdensome way and to ensure effective delivery of the ongoing initiatives to reduce unnecessary regulatory costs.

### **National Parliaments and subsidiarity**

An important element of smart regulation is the consistent application of the subsidiarity principle. It is an integral part of the Commission's regulatory approach and in particular its impact assessment process.

As you are aware, the Lisbon Treaty has strengthened the role of national Parliaments quite significantly. Although their relationship with the Commission is in no way comparable to that between the Commission and the European Parliament - it is extremely important to hear the opinions of National Parliaments as early as possible in the legislative process. This is what we are trying to achieve with the political dialogue launched by President Barroso in 2006.

Furthermore, the Lisbon Treaty foresees a subsidiarity control mechanism which gives national Parliaments the possibility to object by way of a reasoned opinion if they think that a draft legislative act of the Commission does not comply with the principle of subsidiarity.

The Commission considers that the subsidiarity control mechanism and the political dialogue work quite well with many national Parliaments expressing their views. It is important to note, however, that national Parliaments' views and interests vary a great deal and few legislative proposals have given rise to more than five reasoned opinions from National Parliaments. One notable exception being of course the first "yellow card" issued by National Parliaments on the Monti II proposal.

For the Commission, the great added value of this approach is that it can conduct negotiations with the co-legislators in full awareness of the views expressed by national Parliaments.

## **Implementing acts/delegated acts**

Honourable Members,

Your committee is working on a report on implementing and delegated acts drafted by Mr. Szajer, and I look forward to the conclusions that you will draw from the experience so far. Let me make a few comments on the topic.

Already in 2011, Parliament, Council and Commission concluded a common understanding on delegated acts. It is a very useful instrument because it allows us to avoid repetitive institutional discussions during each legislative procedure and so it serves the interests of all three institutions. Therefore, all institutions can gain from applying it consistently.

The Commission has no institutional bias for implementing or delegated acts. It insists on applying the Treaty criteria and the common understanding. The same applies for the possibility for the legislator to include very detailed provisions in the basic act itself, instead of delegating powers to the Commission, but we should of course keep the effectiveness of a policy in mind when we do this.

In addition, the Commission follows its strong commitment to consultations in the preparation of delegated acts, and in line with the framework agreement, Parliament is kept fully informed about expert meetings and your experts can be invited.

Recently, the services of Parliament, Council and Commission have been leading extensive technical discussions to facilitate a common understanding between the three institutions on guidance for the delineation between delegated and implementing acts, in particular when it comes to the MFF, which could then facilitate the on-going and future negotiations.

Depending on the internal endorsement process in each institution and necessary further talks we would appreciate if we could achieve an agreement still during the Irish Presidency. Even if it turns out to be a small step I think that we should be prepared to take it.

In this context, I would also like to pay tribute to the efforts made in recent months by the EP under the leadership of Mr. Lehne supported by a small number of key officials to find common ground between the Commission and the EP on many of the issues linked to delegated and implementing acts.

We have come a long way and are now closely working together to give each of our negotiating teams solid and professional guidance in many ongoing trilogues and avoid sterile and destructive debates. It is a very good example of how the EP and the Commission can work together and deliver results.



Let me finally also inform you about the so-called "RPS (PRAC) alignment". In line with its commitment made in 2011, the Commission is currently finalising the proposals to align legislation which still refers to the 'old' regulatory procedure with scrutiny to the new system introduced by the Lisbon Treaty. It carefully scrutinised the more than 200 legislative acts concerned to see how the RPS empowerments fit into the new system.

In practical terms, there will be three alignment proposals. I expect the first two proposals to be adopted by the College in the coming days. They will transform the regulatory procedure with scrutiny into delegated acts, though an automatic alignment of references.

Another proposal will be adopted soon afterwards, containing the remaining basic acts referring to the RPS which are still subject to an on-going analysis.

### **European Political Parties**

Since the adoption of the Commission proposal mid- September, intense discussions have taken place both in the Council and in the European Parliament.

Trilogues have started a few weeks ago, right after the adoption of Mrs Giannakou report in the committee on constitutional affairs. Your opinion has been reflected in this report.

The Commission shares Parliament's ambition to find a legally sound but equally a politically acceptable compromise as soon as possible. This is an ambitious objective that we can achieve with a strong political will.

The institutional issue related to the implementation of the Regulation, raised by the Council, is currently at the heart of the discussions. This is a key issue on which we hope to reach a compromise soon.

The Commission shares the views expressed by the constitutional affairs committee and Parliament's Legal service that Parliament can and should be responsible for the future system as it is responsible for the present system – and as national parliaments are responsible in a large number of Member States.

Therefore, the Commission's and EP's shared objective is to find a solution which maintains the EP as administrator of the system, whilst developing certain safeguards and conditions that would address some of the concerns of the Council, *i.e.* ensure neutrality and impartiality of the decision-making.

Apart from the institutional issue, which keeps us busy, there remain a number of subjects to be discussed, on which Council and Parliament displayed very different levels of ambition. It concerns in particular referenda and election campaigns, funding modalities and governance requirements. Compromises will have to be found on these key points.

Ladies and gentlemen, thank you very much for your attention. I am looking forward to discussing with you any further aspects you may want to raise.