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#### NOTE

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From: General Secretariat of the Council  
To: Delegations

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Subject: Summary report of the meeting of **the Constitutional Affairs Committee (AFCO)** of the European Parliament, held in Brussels on 15 June 2016

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- **A one-day meeting, starting with a public hearing on the role of the EU in international organisations, including the UN**
- **AFCO adopted its opinion to LIBE on the proposed EU mechanism on democracy, the rule of law and fundamental rights, and – in a controversial move – rejected its opinion on "Monitoring the application of Union law. 2014 Annual report" due to EPP and S&D refusal to cooperate with an ENF rapporteur.**
- **Chair HÜBNER updated the committee on the second meeting of the EP Working Group on the IIA on Better Law-Making and announced decisions by the Conference of Presidents to appoint Mr LANGE and Mr BROK as EP negotiators on international agreements and Mr SZÁJER and Mr CORBETT as EP negotiators on the delineation criteria for the implementing and delegated acts.**
- **Mr JAUREGUI ATONDO presented the options discussed by AFCO coordinators with a view to changing the Council's approach on the EP's right of inquiry file: a letter by AFCO Chair to President Schulz, AFCO debate with Council and Commission representatives, showing EP's openness to Council's concerns in a non-paper, and taking the matter to the Court of Justice.**

## 2. Chair's announcements

Chair HÜBNER (EPP, PL) made the following announcements:

- Due to the late adoption by the Commission of the draft budget for 2017, AFCO's timetable for the adoption of its relevant opinion has changed. The rapporteur will present the draft opinion at the AFCO meeting on 11 July, the deadline for amendments is 19 July at noon and the vote in AFCO will take place on 5 September.
- The Working Group (WG) on the interpretation and implementation of the IIA on Better Law-Making held its second meeting, at which Mr BUZEK (EPP, PL) as the Chair of the Conference of Committee Chairs (CCC) and Mr WIELAND (EPP, DE) as the Chair of the WG on the EP Rules of Procedure participated. The topics of relevance for AFCO were programming, the verification of the legal basis and possible amendments to the EP Rules of Procedure in view of the IIA.
- The Conference of Presidents (CoP) discussed the proposals by the "Group of Four" (Mr CORBETT, Mr SVOBODA, Mr VERHOFSTADT and Ms HÜBNER) on how to proceed with the follow-up to the IIA. It decided that:
  - The EP representatives at the negotiations on international agreements would be Mr LANGE (S&D, DE) as the Chair of INTA and Mr BROK (EPP, DE) as the Chair of AFET. The WG on the IIA would be the platform where all the committees would be consulted.
  - The negotiators on the delineation criteria for the implementing and delegated acts would be Mr SZÁJER (EPP, HU) for JURI and Mr CORBETT (S&D, UK) for AFCO. The mandate for the negotiations would be the EP's resolution on the delegation of legislative powers, adopted in 2014 on the basis of the SZÁJER report.

- The CoP also:
  - made decisions on the adjustment of the annual programming system to the IIA in 2016 and on how to communicate on the outcomes of the legislative process in the context of the new IIA;
  - provided some suggestions regarding the EP's forthcoming report on the interpretation and the implementation of the IIA;
  - decided that besides the committees and the CCC, President Schulz and the CoP would be strongly involved in monitoring the introduction of the provisions of the IIA; the CoP would be regularly informed by reports by the President on the state of play in this regard.

#### **4. Establishment of an EU mechanism on democracy, the rule of law and fundamental rights**

2015/2254(INL)

Rapporteur: Mr SCHÖPFLIN (EPP, HU)

- Adoption of draft opinion

The draft opinion was adopted, with 13 votes for, 3 votes against and 3 abstentions.

#### **5. Monitoring the application of Union law. 2014 Annual Report**

2015/2326(INI)

Rapporteur: Mr ANNEMANS (ENF, BE)

- Adoption of draft opinion

The draft opinion was rejected, with 4 votes for, 15 votes against and no abstentions.

Before the final vote, the following statements were made:

- Mr PREDA (EPP, RO) said that EPP would oppose the opinion as a matter of principle, as it came from the political group of Marine Le Pen.
- Mr ANNEMANS (ENF, BE) thanked the secretariat for its cooperation. He stressed that there was nothing in dispute in his opinion and that it did not contradict earlier AFCO opinions on this matter in any way.

- Ms PAGAZAURTUNDÚA RUIZ (ALDE, ES) felt that there had been no problems in AFCO. The shadows had worked on the opinion in an ordinary way and there was no reason of substance for opposing it. She strongly disagreed with the EPP's position and with what she felt was violent populism.
- Ms KAUFMANN (S&D, DE) said that her group would vote against the opinion because it came from a group which wanted to destroy the EU.
- Mr MESSERSCHMIT (ECR, DK) felt that a clash of ideas was a basic characteristic of democracy. Although he fundamentally disagreed with many of the views of ENF, he also felt that taking the attitude that had been expressed would lead him not to work with people from other groups as well, when he disagreed with their views. He stressed that AFCO had worked on the opinion for weeks and that EPP and S&D coordinators had agreed on Mr ANNEMANS becoming rapporteur for the opinion. It was disappointing that they had not warned at the time that they would vote the opinion down.
- Mr TERRICABRAS Greens/EFA, ES) said that his group would vote against the opinion as its amendment 16 was defeated.
- Ms SPINELLI (GUE/NGL, IT) said that her group had voted against the ENF amendments but she did not see any problems with the compromises, which is why she felt there were no grounds for voting against the opinion on this basis. She pointed out, however, that her group would vote against the opinion because too many of its amendments had not been approved.

After the vote, Ms HÜBNER noted that she had voted in favour of the opinion as AFCO Chair, even if as an EPP member she would have voted against it.

## **7. Chair's announcements concerning coordinators' recommendations**

Vice-Chair UJAZDOWSKI (ECR, PL) announced that AFCO coordinators had decided at their meeting earlier during the day that:

- AFCO will draw up an own-initiative report on the role of cities in the European Union. The initial request in this regard had come from REGI. However, the procedure has not been decided yet.
- LIBE's request to become a co-lead committee on the EP's report on the implementation of the EU Charter of fundamental rights would not be accepted.

- Regarding the verification of compliance by Alliance for Peace and Freedom with EU fundamental values, Ms BRESSO (S&D, IT) and Mr SCHÖPFLIN (EPP, HU) would do some initial work of collecting information, before the shadows of all the political groups would start working on the matter together.
- AFCO will hold an exchange of views with VP Timmermans at its extraordinary meeting on 23 June (at 15h), to discuss with him i.a. the Commission's position on the implementation of the EP's report on the European Citizens' Initiative.

**11. Proposal for a Regulation of the European Parliament on the detailed provisions governing the exercise of the European Parliament's right of inquiry replacing the Decision of the European Parliament, the Council and the Commission of 19 April 1995 (95/167/EC, Euratom, ECSC)**

Rapporteur: Mr JAUREGUI ATONDO (S&D, ES)

- Exchange of views on the state of play

Mr UJAZDOWSKI indicated that the situation with this file was complicated and asked Mr JAUREGUI ATONDO (S&D, ES) to provide an explanation.

Mr JAUREGUI ATONDO explained that 18 months had passed since AFCO had started its work on the file in trying to reach an agreement with the Commission and the Council, yet it had not even been able to begin the negotiations. This was because the Council believed that if the EP did not show willingness to change the articles on which the Council had serious legal and political objections, it had no reason to talk to the EP. He and the shadows had therefore decided to take this matter to the coordinators and the Chair, to see together what the EP could do as a possible response to the Council's attitude.

In this context, Mr JAUREGUI ATONDO announced that AFCO coordinators had discussed at their meeting earlier during the day the proposal put together by him and the shadows, which included four possibilities:

- 1) sending a letter of protest to President SCHULZ, signed by Chair HÜBNER, in which she would stress AFCO's discontent about the Council's and the Commission's failure to begin negotiations and dialogue with the EP – although in the EP's view they were legally bound to do so – and call for a political response from the Council and the Commission;

- 2) convening an AFCO meeting with the Council and the Commission, so that senior figures in the Council and the Commission could tell AFCO about their views on the EP's request to open dialogue; in that dialogue national parliaments could be involved as well;
- 3) speaking to the Dutch presidency (he and Ms HÜBNER had already begun that process when they had met with the Dutch ambassador on this matter) and putting together a non-paper, which would express EP's views and its willingness to change some articles that the Council and the Commission objected to, which would make it easier for the Council to start talking to the EP;
- 4) if the legal service of the EP thought this was a good idea, the whole matter could be taken to the Court of Justice, which could make it mandatory for the Council to start talking to the EP.

No-one else took the floor.

Mr UJAZDOWSKI (ECR, PL) clarified in conclusion that these options had been both discussed and agreed upon at the coordinators' meeting. He expressed the hope that these were actions towards a new beginning and that the EP would meet again after the summer break (in September or in October) with the representatives of the Council and the Commission to kick-start the proceedings.