



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 14 February 2014**

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INST 105  
JUR 45**

**NOTE**

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from: General Secretariat of the Council  
to: Delegations

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Subject: Summary of the meeting of the **Committee on Constitutional Affairs (AFCO)**  
of the European Parliament held in Brussels on 10 and 11 February 2014

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The meeting was chaired by Mr CASINI (EPP, IT).

*Items 1 and 2 on the agenda*

**Adoption of agenda and Chair's announcements:** the agenda was adopted.

*Item 3 on the agenda*

**Approval of minutes of meetings of**

- 25-26 November 2013
- 16-17 December 2013

The minutes were approved.

*Item 4 on the agenda*

**Relations between the European Parliament and national parliaments**

AFCO/7/13740

Rapporteur: Mr CASINI (EPP, IT)

- Consideration of draft report

Mr CASINI presented his draft report which provides a snap-shot of the current situation and puts forward suggestions to increase interparliamentary cooperation. He stressed that national parliaments provide valuable input throughout the legislative process and should be seen as an integral part of the European institutional fabric. The report therefore advocates pushing interparliamentary cooperation as far as possible, and formalising such cooperation in an agreement between the EP and national parliaments. The report also attempts to find a clear function for COSAC, suggesting that it be attributed the general task of monitoring the “state of the Union”.

Words of caution, however, were expressed by various members and, in particular by Mr DUFF (ALDE, UK), who was largely critical of the report. He cautioned against any premature reform of the current arrangements with national parliaments, citing their difficulties in dealing with the existing levels of cooperation. He also stressed the need to thoroughly consult all national parliaments before prescribing any improvements and felt the proposals blurred the distinction between federal and national parliaments. Mr SCHÖPFLIN (EPP, HU) added to this by querying how regional parliaments were to fit into the general arrangement envisaged in the report.

In relation to the proposed interparliamentary agreement between the EP and national parliaments, Mr DUFF speculated that it was likely to fail given that each national parliament is sovereign to its plenary and one national parliament cannot bind another. Mr SCHÖPFLIN referred to the practical difficulties of achieving such an agreement, claiming that national parliaments are even more divided than the EU institutions and that there is currently a tendency for national parliaments to "claw back" power that has shifted to the EU. Mr BRONS (NI, UK) argued that the proposals for cooperation with national parliament were based on the wrong premise that national parliaments' main role was to control the Council.

On COSAC, while many members were in favour of redefining COSAC's functions, they were hesitant to reduce its mandate to monitoring the "state of the Union". Mr DUFF and Mr MESSERSCHMIDT (EFD, DK) felt that this was too restrictive and that COSAC would remain detached from the practical and legislative work of the Union. Mr MOREIRA, speaking on behalf of Mr GUERRERO (S&D, ES) suggested that COSAC's conferences be organised around specific topics (e.g. foreign policy, Europol, the European Semester). However, he warned that the EP should not be seen as creating an intermediary decision-making body. Mr MESSERSCHMIDT harshly criticised the EP's wish to unilaterally define COSAC's role given that the EP is merely one among numerous other parliaments within COSAC.

Finally, in relation to the practical proposals set out in the report, Mr MOREIRA urged for greater creativity and pragmatism, while Mr WESSERSCHMIDT called for greater focus on, and funding to, the IPEX platform, which, in his view, was currently of limited practical use.

- *Next steps: the deadline for tabling amendments was set for 24 February, and AFCO is to vote on the final report in March.*

*Due to a number of MEPs being delayed, items were not subsequently discussed in the order set out in the agenda.*

#### Item 8 on the agenda

#### **Negotiations on the MFF 2014-2020: lessons to be learned and the way forward**

AFCO/7/15035

Rapporteur for the opinion: Andrew DUFF (ALDE,UK)

- Consideration of draft opinion

Mr DUFF broadly approved the approach taken by the co-rapporteurs, Mr DEHAENE (EPP, BE) and Mr KALFIN (S&D, BG). The aim of the draft opinion was to prompt reflection on potential amendments to the treaties and to the EP's rules of procedure and to prepare for the mid-term review of the MFF. He stated that this review process already began with the high-level working group on "own resources" and would end in 2016.

He considered that the SURE committee was a worthwhile exercise, despite it having no effective mechanisms for following through its conclusions to trilogue negotiations with the Council. He argued that the European Council deal in February 2013 effectively put an end to negotiations on the political priorities of the EU, given that capping the overall size of the budget effectively paralysed the EP's freedom of manoeuvre. He regretted that no general or special *passerelle* clause (based on Article 312 TFEU) had been used to break the deadlock in MFF negotiations and stated that such lack of flexibility accentuated the principle of "*juste retour*". An essential improvement to the MFF, he claimed, would be to reduce its 7-year term. Finally, he called for the EP to be treated as an equal partner by the Council, for genuine codecision rules to be adopted, and for negotiations to be more democratic. He implied that negotiations would not have advanced as successfully without an EP President "of Mr Schulz's calibre".

➤ *Next steps: the deadline for amendments was set for 20 February.*

#### Item 5 on the agenda

#### **Enquiry report on the role and operations of the Troika (ECB, Commission and IMF) with regard to the euro area programme countries**

AFCO/7/14608

Rapporteur for the opinion: Helmut SCHOLZ (GUE/DE)

- Consideration of compromise amendments

The rapporteur for the opinion urged members to evaluate the legitimacy of the Troika and to consider the broader context of the reforms it has imposed, in particular with regard to respect for citizens' fundamental rights. He called for a common mechanism for both eurozone and non-eurozone Member States, and for a system that would address both financial and social stability.

While Ms REGNER (on behalf of Mr DROUTSAS (S&D, EL)) claimed that the Troika needed more legitimacy and transparency, and Mr SCHOLZ queried whether the current Treaty base was sufficient to justify it, a number of members showed support for the Troika. Mr DUFF (ALDE, UK) argued that the Troika was indeed legitimate under the Treaty and that its effectiveness should be acknowledged clearly in the report. Mr RANGEL (EPP, PT) supported this view, claiming that national elections had taken place in each Member State where the Troika has been involved, thus giving the Troika indirect democratic backing. Mr BROK (EPP, DE) urged for greater emphasis to be placed on the fact that the Troika was used as a scapegoat for many national failings and Mr DUFF contested the report's claim that the various reform processes imposed by the Troika were taking too long.

In relation to fundamental rights, Mr DUFF stressed that the "Charter should not be used to castigate the Council". He made a distinction between fundamental rights and social principles set out in the Charter, claiming that the Troika reforms were only affecting the latter, but not the former.

➤ *Next steps: AFCO voted on the opinion the following day - it was adopted by 9 votes in favour and 10 abstentions.*

#### Item 6 on the agenda

### **Implementation of the Treaty of Lisbon with respect to the European Parliament**

AFCO/7/13182

Rapporteur: Paulo RANGEL (EPP, PT)

- Consideration of compromise amendments

Discussions revolved around three main issues: (i) the future structure of the Commission, (ii) the majority required for an EP motion of censure against the Commission, and (iii) the presence of the EP during the negotiation of international agreements.

On the first point, Mr RANGEL supported the option of having several Commissioners without a portfolio and outlined the advantages of this solution. The suggestion, however, was neither welcomed by Mr BROK (EPP, DE), who favours the strict "one Commissioner for every MS" approach, nor by Mr SCHÖPFLIN (EPP, HU) who objects to having commissioners of unequal status.

Mr SCHÖPFLIN, Mr LEINEN (S&D, DE), Mr BROK and Mr HÄFNER (Greens, DE) expressed some reservations with regard to the option of placing various commissioners in a "cluster", to be presided by a Vice President of the Commission.

On the majority required for a censorship motion, Mr RANGEL suggested an absolute majority (i.e. 376 members), Mr LEINEN supported a 2/3 majority, and Mr DUFF urged members to reflect on the consequences of effectively "sacking" the Commission without having a back-up solution.

On the issue of the EP's presence during international negotiations, Mr BROK objected to any form of shared responsibility in negotiations, and Mr RANGEL took note of the fact that participation of the EP could be suggested where members of the parliament of the other contracting party were allowed to take part in negotiations (the US Senate for example).

➤ *Next steps: AFCO voted on the report the following day - it was adopted by 18 votes in favour, 4 against and 1 abstention.*

Item 7 on the agenda

**Amendment of the Rules of Procedure with regard to parliamentary questions**

AFCO/7/12575

Rapporteur: Zita GURMAI (S&D/HU)

- Consideration of compromise amendments

The rapporteur confirmed that she had broadened the scope of the report in order to include written questions - in respect of which she had established a limit of 5 a month for each MEP - and that, despite considering various options, she concluded that a full ballot box system would ensure that all MEPs were placed on an equal footing. She also informed members that she had formally consulted the Commission on the suggested changes.

Ms LE GRIP (EPP, FR) and HÄFNER (Greens, DE) both supported the "reasonable limitation" on the number of written questions, although Mr DUFF (ALDE, UK) suggested that "priority questions" be maintained.

The issue as to whether oral questions could be posed to the President of the European Council sparked some controversy, with Mr DUFF arguing in favour and the rapporteur and Ms LE GRIP highlighting the President's unaccountability to the EP under the Treaties. Mr DUFF's counter-argument was that a precedent had already been established when, pursuant to a framework agreement, the EP took it upon itself to audition Commissioners *before* this right was explicitly recognised in the Treaties.

- *Next steps: AFCO voted on the report the following day - it was adopted by 18 votes in favour, 1 against and 1 abstention.*

Item 10 on the agenda

**Amendment of Rule 90 of Parliament's Rules of Procedure on International agreements**

AFCO/7/14050

Rapporteur: David MARTIN (S&D, UK)

- Consideration of draft report

The rapporteur explained that, pursuant to a request by the AFET and INTA committees, and following an opinion from the EP's legal service, he drew up a report suggesting amendments to the EP's Rules of Procedure regarding international agreements. The rapporteur suggested 3 changes to Rule 90 - namely to paragraphs 4, 5 and 6.

While changes to paragraphs 5 and 6 were uncontroversial because they simply mirrored the EP's powers set out in the Treaty (e.g. the power to seek the opinion of the Court of Justice on the compatibility of an international agreement with the Treaties), the suggested changes to paragraph 4 were more problematic. That amendment would empower the EP's to adopt recommendations to an international agreement "from the end of the negotiations to the conclusion of the agreement". The rapporteur stated that the chair of INTA was reluctant to support this change, given that, in practice, it can be very difficult to amend an agreement once it has been initialled. Mr DUFF (ALDE, UK) expressed support for the suggested change, while Mr ILCHEV (ALDE, BG) made suggestions to improve the clarity of the amendments.

- *Next steps: the deadline for tabling amendments was set for 20 February, and AFCO is to vote on the final report on 18 March.*

#### Item 11 on the agenda

#### **Modification of the Inter-Institutional Agreement on the Transparency Register**

AFCO/7/15071

Rapporteur: Roberto GUALTIERI (S&D, IT)

- Consideration of draft report

Mr GUALTIERI clarified that the two objectives of his report were (i) to establish a compulsory register and (ii) to introduce novelties or clarifications to the current system (e.g. expanding the scope of the register, imposing more burdensome registration requirements, introducing "incentives" to register, distinguishing legal work from lobby work, clarifying the concept of indirect lobbying and of "inappropriate conduct", reinforcing procedures for non-compliance).

The most debated issue was the legal basis for such a register. Mr WIELAND (EPP, DE), Mr HÄFNER (Greens, DE) and Mr DUFF (ALDE, UK) all called for a new Treaty article to provide an appropriate legal base. Mr GUALTIERI stated that Article 352 TFEU could be used as an alternative - despite this requiring a Commission proposal, unanimity within the Council and only Parliament's consent - and that a 2016 deadline for the Commission to submit a proposal on that basis had been agreed with the Commission.

Mr SCHÖPFLIN regretted that the report did not address the current problem that lobbyists and diplomats from third countries are, in his view, excluded from the scope of the register. He also cautioned against the report's overly strict registration process, suggesting a fast-track temporary registration mechanism in some cases. Mr WIELAND suggested a rule of thumb in order to distinguish between classic legal work and activities which would not be covered by lawyer-client confidentiality. He also recommended that the indications as to "inappropriate conduct" be non-exhaustive.

➤ *Next steps: the deadline for tabling amendments was set for 20 February.*

Item 15 on the agenda

**Chair's announcements concerning coordinators' recommendations**

Mr CASINI announced that on 17 March, the UK's Minister for Europe would speak to AFCO about general EU matters and on 18 March, Joseph Weiler, the President of the European University Institute, would discuss the "Future of Europe". On the same day AFCO would also receive participants in the "New Pact for Europe" project.

Mr CASINI also informed members that the coordinators wished to formally ask the Commission how negotiations on the EU's accession to the ECHR were proceeding.

Item 16 on the agenda

**Amendment of Parliament's Rules of Procedure so as to allow for the possibility of electronic signatures**

AFCO/7/15072

- Exchange of views

Mr SCHOPFLIN presented a technical amendment to the EP's rules of procedure in order to allow for the electronic signature of documents. He explained that the amendment was the result of the findings of a pilot project that had lasted a few years.

➤ *Next steps: the deadline for tabling amendments was set for 27 February.*

Item 18 on the agenda

The next AFCO meetings are scheduled for:

- 17 March 2014, 15.00 – 18.30
- 18 March 2014, 9.00 – 12.30

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