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THE EUROPEAN UNION**

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From:	Mr Maroš Šefčovič, Vice-President of the European Commission
date of receipt:	14 March 2014
To:	Mr T. N. Sotiropoulos, Chairman of the Permanent Representatives (Part 2)
No. prev. doc.:	6774/14
Subject:	Initiative to complement the Common Understanding on delegated acts as regards the consultation of expert

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Delegations will find in Annex the reply of Mr Maroš Šefčovič, Vice-President of the European Commission, to the letter of Mr Sotiropoulos of 20 February 2014 regarding the Council's Initiative to complement the Common Understanding on delegated acts as regards the consultation of experts.

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Encl.: Letter from Mr Maroš Šefčovič, Vice-President of the European Commission of 12 March 2014.

MAROŠ ŠEFČOVIČ  
VICE-PRESIDENT OF THE EUROPEAN COMMISSION

Brussels, 12 MARS 2014  
Ares(2014)

Dear Mr Sotiropoulos,

I would like to thank you for your letter of 20 February 2014 addressed to President Barroso who asked me to reply on his behalf. We take note of the enclosed initiative, endorsed by the Permanent Representatives Committee, to complement the Common Understanding on delegated acts as regards the consultation of experts.

I am conscious of the fact that questions in relation to delegated acts have repeatedly complicated the negotiation of legislative files and I agree that horizontal solutions to these recurrent problems must be found. I am also aware that for Member States the question of consultation of experts is a key element to be addressed.

Extensive consultation of experts is the Commission's standard practice. This commitment is confirmed in several public documents explaining how the Commission conducts consultations on delegated acts, notably the Commission Communication on the implementation of Article 290 TFEU from 2009, the Common Understanding and the relevant guidance for the Commission services.

Nevertheless, I stand ready to contribute to reflections between the three institutions on how to improve the consultation process and on how to make it more transparent. However, I should point out that the Commission could not accept a mandatory consultation procedure essentially similar to the advisory procedure under the Comitology framework, as proposed by your initiative, as it would not be compatible with the Treaty. We are open to consider other ways of reassuring the Member States and the Parliament as regards the preparation of delegated acts.

The Commission is fully committed to making the system work better but any steps we take must of course be rooted in respect for the Treaty and for the prerogatives of the institutions.

Yours sincerely,



Cc: Mr Martin Schulz, President of the European Parliament

Mr. T.N. Sotiropoulos  
Chairman of the Permanent Representatives Committee  
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