



## Newsletter

Issue 11, October 2015



### Introductory words by Prof. Dr. Danuta Maria HÜBNER

Dear Readers,

I am very happy to present the 11th issue of the AFCO Newsletter, a tool prepared by the secretariat which aims to inform about AFCO activities and increase awareness on institutional challenges that the EU is facing.

At our meeting on Thursday 22th October, the main points will concern the "Annual Report 2014 on the Protection of the EU's Financial Interest - Fight against fraud", the proposal for a Regulation on the European Parliament's right of inquiry, the Regulation on the content and functioning of the register of European political parties and foundations. Together with these matters, a study on the European Parliament as the driving force of the process of constitutionalisation of the Union will be presented.

I hope you will find this eleventh issue useful,

Prof. Dr. Danuta Maria HÜBNER, Chair

### Meeting languages available

CS, DA, DE, EL, EN, ES, FR, IT, NL, PL, PT, RO

### Meeting documents

In light of the European Parliament's paperless project please bear in mind that only a very limited number of paper dossiers will be available in the meeting room.

Instead, meeting documents will be made available on the following public and internal websites:

[http://www.europarl.europa.eu/meetdocs/2014\\_2019/organes/afco/afco\\_8leg\\_meetinglist.htm](http://www.europarl.europa.eu/meetdocs/2014_2019/organes/afco/afco_8leg_meetinglist.htm)

and (EP internal only):

<http://www.emeting.ep.parl.union.eu/committee/>

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### Webstreaming

Members are informed that this AFCO meeting will be webstreamed (apart from the Coordinators' meeting)

under the following link:

<http://www.europarl.europa.eu/wps-europarl-internet/frd/live/live-program?language=en>

The videos will be available to watch or download within 24 hours at:

<http://www.europarl.europa.eu/ep-live/en/committees/?legislature=8&start-date=&end-date=&committee=AFCO>

Please be aware that each time a speaker activates the microphone to make an intervention the camera will be automatically directed to the speaker.

eCommittee (EP internal only): further information on the work of the Committee on Constitutional Affairs can be found on our eCommittee page:

<http://www.afconet.ep.parl.union.eu>

### MEETING DATE AND VENUE

22.10.2015 in BRUSSELS

Room: Altiero Spinelli (3E-2)

### 09:30 - 12.30

- Adoption of agenda
- Chair's announcements
- Approval of minutes of previous meetings
- Presentation of a study - The European Parliament as a driving force of Constitutionalisation
- Annual Report 2014 on the Protection of the EU's Financial Interests-Fight against fraud
- State of play regarding the Regulation on the European Parliament's right of inquiry
- Commission Delegated Regulation on the contents and functioning of the register of European political parties and foundations
- Any other business

### Chair's announcements

- First Vice-President Timmermans will be present for an exchange of views on a range of pending files at the AFCO committee meeting on 3 December;
- The GUE/NGL group has proposed Barbara Spinelli as rapporteur for the future report on the implementation of the Charter of Fundamental Rights in the institutions;
- The EPP group has proposed Esteban Gonzalez Pons as rapporteur for the INI report on "Constitutional, legal and institutional implications of a common security and defense policy: possibilities offered by the Lisbon Treaty";
- The EPP group has proposed that György Schöpflin is appointed as rapporteur for the opinion under Rule "53+" on the LIBE legislative own-initiative report on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights;
- All three AFCO budgetary amendments have been adopted by the Committee on Budgets either as such, or within compromise amendments.



### Presentation of a study "The European Parliament as a driving force of Constitutionalisation" by Adrienne Héritier & Catherine Moury (European University Institute, Florence)

The study that will be presented by professors Héritier and Moury from European University Institute looks at the increasing role played by the European Parliament in the EU decision-making process. Firstly it offers us a picture of how the EP acquired, both through treaty change and formal channels, as well as informal practice, more power in legislation, comitology, in the appointment of the European Commission and in the budgetary field. The second part illustrates the EP's role in two relevant policy fields: economic governance and external trade agreements.

The study demonstrates that EP's formal and informal powers in legislation, comitology, Commission investiture, the budgetary process, economic governance and international agreements have increased strikingly since the Treaty of Rome. It concludes that this empowerment is partially explained by the concern for democratic legitimacy on the part of some Member states' and the Commission. The increase in EP's powers can also be explained by the fact that treaties frequently contain ambiguous provisions and thus allow room for informal rules to emerge through bargaining, specifying the details of treaty provisions.

The aim of the study was to look at the strategies that the EP used in the past to enhance its role within the EU decision-making process and provide an inspiration for its future endeavours. In this way it feeds very usefully into our debate about both reports Brok/Bresso on how to better use the existing provisions contained in the Lisbon treaty as well as Mr Verhofstad's analysis about what should be the European Parliament's future constitutional agenda.

Adrienne Héritier is Emeritus Professor at the European University Institute (EUI) in Florence, Italy. She held a joint chair at the Robert Schuman Centre for Advanced Studies with the Social and Political Sciences Department since 2003. Prof. Héritier's research focuses on European policy-making, comparative public policy, European decision making processes, theories of institutional change and deregulation and re-regulation and new modes of governance.

Catherine Moury is Assistant professor at the New University of Lisbon. Her research focuses on institutional change in the European Union and on coalition governments, about which she has published extensively. One of the important research interest focused on European Parliament's Right to Appoint and Invest the Commission, which constitutes one of the important parts of the study.

Professor Héritier will introduce the general arguments about reinforcement of the parliamentarization of the EU decision-making and focus on codecision and delegated legislation, Professor Moury will discuss then the investiture of the Commission and the budgetary process and Professor Héritier will conclude with the discussion about the increasing role of the EP in economic governance and external trade agreements and offer the conclusion of the study.

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## Annual Report 2014 on the Protection of the EU's Financial Interests-Fight against fraud

*Consideration of draft opinion*

Rapporteur for opinion: Mercedes Bresso (S&D)

Committee responsible: CONT

Committee(s) responsible for an Opinion: INTA, REGI, LIBE, AFCO

The AFCO committee invites the CONT committee to highlight, in its report, the importance of the efficiency and the pertinence of the budget in order to preserve the confidence of citizens in the EU institutions. Given that corruption and fraud in the EU budget are closely linked to the lack of transparency of budget expense rules, better communication and a simplification of procedures are needed. Moreover, a clear distinction between errors and frauds has indeed to be drawn and the most common cases of both have to be transmitted to the user of funds and to the management authorities to fight against them.

More attention should be paid to the results of the projects rather than only focusing on the accuracy of accounts. The AFCO committee encourages a cross-cutting application of article 325 TFEU in every Union policy, the use of prevention rather than only fighting against corruption and the simplification of the use of grants in the Cohesion policy.

Calendar proposed:

Date	Event
22 October 2015	Exchange of views
30 October 2015	Deadline for tabling amendments
19 November 2015	Evt. discussion on tabled amendments
3rd December 2015	Vote on the Draft opinion and amendments

Adoption in CONT: 28 January 2016

Plenary: February 2016

Shadow Rapporteurs: György Schöpflin (EPP), Sylvie Goulard (ALDE), Pascal Durand (Greens/EFA), Isabella Adinolfi (EFDD)



## Proposal for a Regulation on the European Parliament's right of inquiry

*Exchange of views - Information on the state of the play*

Rapporteur: Ramón Jáuregui Atondo (S&D)

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)

Three main events have taken place since the last debate on this subject in AFCO on 15th July:

- the Council Presidency, through a letter of last 3rd September 2015, finally transmitted a position on the EP proposal for a regulation on the EP's right of enquiry, which was adopted by the Plenary on 16 April 2014, in order to prevent the proposal from lapsing due to the EP renewal. The Council letter raises several issues and concerns related to the following articles of the Proposal:

- 5 (Incompatibilities),
- 6 (Public nature of proceedings),
- 8 (Confidentiality),
- 12 (Conduct of investigations),
- 13 (on the spot investigations),
- 14 (Requests for documents),
- 15 (Witnesses),
- 17 (Officials and other servants of the Union and of the Members States),
- 19 (Sanctions)

Nevertheless, the letter reaffirms "the Council's willingness and commitment to engage with the European Parliament";

- the meeting that the AFCO Rapporteur Jáuregui had on 9th September with the Council Presidency in office, Minister Nicolás Schmit, who presented the position and willingness of the Council, as contained in the above letter of 3 September.

- The reply from Chair Hübner of last 28 September to the letter of the Council, taking note of the expressed concerns and reaffirming the availability of AFCO, and of its Rapporteur, to explore with the Council and the Commission possible solutions for overcoming differences and to reach an agreement, duly considering the peculiarities of the specific legislative procedure provided for by art. Article 226 TFEU (adoption by the EP, on its own initiative, after obtaining the consent of the Council, expressed by qualified majority, and the Commission).

The rapporteur will present his views on how to proceed in order to address the problematic issues raised by the Council and point to possible legal and political solutions to overcome the differences between the institutions.

The following proposed calendar could be endorsed:

Date	Event
3rd December 2015	Working Document

Shadow rapporteurs  
 EPP Mr Rainer Wieland  
 ECR Mr Kazimierz Michał Ujazdowski  
 ALDE Mrs Maite Pagazaurtundúa Ruiz  
 GUE/NGL Mr Helmut Scholz  
 Greens/EFA Mr Max Andersson  
 EFDD Mrs Isabella Adinolfi  
 ENF Mr Gerolf Annemans



### **Commission Delegated Regulation on the contents and functioning of the register of European political parties and foundations**

*Possibly decision on deadline for raising objection to the Delegated Act*

On 2 October 2015 the Commission adopted a delegated act on the content and functioning of the Register of European political parties and foundations (as provided for in Article 36 (4) of Regulation No 1141/2014 of the European Parliament and the Council on the statute and funding of European political parties and foundations). The provisions of the delegated act specify on the one hand side what information should the Register of European political parties and foundations contain, and on the other hand

what services should the Register provide. The delegated act also entrusts the Authority with the task to establish its own procedure for delivering standard extracts and certification.

Under the Treaty of Lisbon, the legislative act (Regulation 1141/2014) and the common understanding between institutions, the European Parliament has two months to express an objection to this delegated act. The official deadline for objecting expires on 2 December 2015. In accordance with the rules applicable (Rule 105 RoP), a deadline for expressing objections to the delegated act or to propose an early non-objection recommendation should be communicated to Members. AFCO Members will discuss and set the deadline for objections at today's meeting.

### **Next meetings**

\* 19 November 2015, 09.00 - 12.30 and 15.00 - 18.30 (Brussels): Interparliamentary Committee Meeting (ICM) on "The future institutional evolution of the Union: enhancing political dialogue between EP and national Parliaments and reinforcing the scrutiny over the executive at European level"

### **Further information**

For any further information, please visit the AFCO committee website:

<http://www.europarl.europa.eu/committees/en/afco/home.html>

### **Twitter**

Activities of the AFCO committee may be followed on twitter [@EPIInstitutional](https://twitter.com/EPIInstitutional)

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**Contact the editor**

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