



Newsletter

Issue 15, February 2016



Introductory words by Prof. Dr. Danuta Maria HÜBNER

Dear Readers,

I am very happy to present the 15th issue of the AFCO Newsletter, a tool prepared by the Secretariat which aims to inform you about AFCO activities and increase awareness on institutional challenges that the EU is facing.

Our meeting on Monday and Tuesday 22 and 23 February will deal with a high variety of complex issues for the European Integration. Monday afternoon will be focused on the Interinstitutional agreement on Better Law-making; the Establishment of an EU mechanism on democracy, the rule of law and fundamental rights followed by the joint Hearing LIBE-AFCO on Respect for Democracy, Fundamental Rights and the Rule of Law: the role of the judiciary.

During Tuesday morning, there will be first the final vote on the Interinstitutional agreement on Better Law-making and on the discharge to the implementation of the 2014 budget by the Council and European Council. Then, crucial discussions will take place on very sensitive issues related to Transparency, Accountability and Integrity in the EU institutions; "Improving the functioning of the European Union building on the potential of the Lisbon Treaty"; and the renegotiations of the UK constitutional relationship with the European Union with an exchange of views with Jonathan Faull, Head of the Commission Task Force for Strategic Issues related to the UK Referendum; and finally on the Annual Report 2014 on subsidiarity and proportionality.

I hope you will find this issue useful,

Prof. Dr. Danuta Maria HÜBNER, Chair

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Meeting languages available

BG, DE, EL, EN, ES, FR, HU, IT, NL, PL, PT, SV (on 23/02: with CS and RO and without SV and BG)

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.emeeeting.europarl.europa.eu/committees/archives/201512/AFCO>

and (EP internal only):

<http://www.emeeeting.ep.parl.union.eu/committees/>

MEETING DATE AND VENUE

22/23.02.2016 in BRUSSELS

Room: Altiero Spinelli (3E-2)

15:00- 16:30 and 16:30- 18:30
09:00 - 12:30

- Adoption of Agenda
- Chair's announcements
- Interinstitutional agreement on Better Law-making (discussion on the amendments)
- Establishment of an EU mechanism on democracy, the rule of law and fundamental rights
- Joint Hearing LIBE-AFCO on respect for Democracy, Fundamental rights and the Rule of Law: the role of the judiciary

- Interinstitutional agreement on Better Law-making (vote)
- Discharge 2014: EU general budget - Council and European Council (vote)
- Transparency, accountability and integrity in the EU institutions (discussion on the Opinions of the consulted committees)
- Improving the functioning of the European Union building on the potential of the Lisbon Treaty (discussion on the amendments)
- Exchange of views with Jonathan Faull, Head of the Commission Task Force for Strategic Issues related to the UK Referendum,
- Annual Report 2014 on subsidiarity and proportionality
- Any other business



Establishment of an EU mechanism on democracy, the rule of law and fundamental rights

Rapporteur for opinion: Mr. György Schöpflin
Committee responsible: LIBE

A working document on an Annual Pan-EU debate in the framework of the legislative own-initiative report on the establishment of an EU mechanism for Democracy, the Rule of Law and Fundamental Rights will be presented.

The working document is part of a set of 7 working documents written in preparation of the legislative own-initiative report on the establishment of an EU mechanism for Democracy, the Rule of Law and Fundamental Rights. The other working documents will concentrate on the following issues: scoreboard on Democracy, Rule of law and Fundamental Rights; Democracy, Rule of Law and Fundamental Rights in impact assessment or screening procedures; Using article 2 and the Charter as a basis for infringement procedures; Individual

enforcement/litigation by citizens as a tool; Methods and existing mechanisms; European logic of governance.

The rapporteur builds his reflection on the existing experience in inter-parliamentary cooperation and, taking the example of the European semester, considers that some principles and methods introduced by the European semester could serve as a basis for the reflection on the creation of an annual Pan-EU Parliamentary Debate in the field of Democracy, the Rule of Law and Fundamental Rights and the mechanism the INI own-legislative report is trying to put in place.

Mobilizing a similar formula as the European Semester "model" will imply that the annual Pan-EU Parliamentary debate will be one element of a broader action and involves setting goals to achieve and provide the means to measure progress and changes from one year to another.

This could be achieved with recommendations being adopted after the debate and those recommendations being monitored during the year and the achievement being measured at the following Annual Pan-EU parliamentary debate.

Calendar proposed:

Exchange of views on draft opinion: 7 April
Deadline for amendments: 19 April
Exchange of views on amendments: 30 May
Vote: 30 May

Shadow Rapporteurs: Silva Pereira (S&D), Morten Messerschmidt (ECR), Maite Pagazaurtundua (ALDE), Josep-Maria Terricabras (Greens/EFA), Massimo Castaldo (EFDD), Gerolf Annemans (ENF)



Joint Hearing LIBE-AFCO on Respect for Democracy, Fundamental rights and the Rule of law: the role of the judiciary

Respect for fundamental rights, democracy and the rule of law are essential common values of the Member States and founding principles of the Union. In its recurrent resolutions on the situation of fundamental rights in the EU, the European Parliament has repeatedly called for the Union to ensure that effective mechanisms, both at national and EU level, are in place to address relevant violations. Article 7 TEU provides for a double, preventive as well as sanctioning, mechanism in cases of (clear risk of) a serious breach by a Member State of the EU fundamental values.

Several resolutions adopted by the European Parliament have repeatedly called for the establishment of a mechanism on democracy, rule of law and fundamental rights, in order to regularly assess Member States on their continued compliance with the fundamental values of the Union enshrined in Article 2 TEU, avoiding any double standards, and to ensure, through an early warning tool, that democracy, the rule of law and fundamental rights are respected in the EU.

In March 2014 the Commission published a Communication on "A new EU Framework to strengthen the Rule of Law", setting up an early warning tool to address systemic threats to the rule of law by entering into a dialogue with the Member State concerned. This tool has never been used so far.

Against this background, the European Parliament, in its resolution of 10 June 2015 on the situation in Hungary (P8_TA(2015)0227)) mandated the LIBE Committee to "contribute to the development and elaboration of this proposal (ie. the establishment of an EU mechanism on democracy, the rule of law and fundamental rights) in the form of a legislative own-initiative report".

The current mini-hearing is organised in the frame of the preparatory process for this LIBE legislative own-initiative report (under art. 225 TFEU).

**** Voting time ****

Inter-institutional agreement on Better Law Making

Consideration of amendment and vote on the draft report

Rapporteur: Danuta Maria Hubner (PPE)
Committee responsible: AFCO

Following the proposal for a new Interinstitutional Agreement (IIA) by the Commission on 19 May, negotiations on a new IIA on Better Law-Making were formally opened on 25 June 2015 and have been concluded on 8 December with a provisional agreement which was endorsed politically by the Conference of Presidents on 16 December. An extraordinary joint meeting of the AFCO and JURI committees took place on 16 December to discuss the outcome of the negotiations. On 14 January the committee discussed the draft report and the deadline for amendments was set for 2 February at noon. 97 amendments have been tabled. A meeting of the shadow rapporteurs took place on 17 February, some compromise amendments will certainly be presented too.

In the draft report, the rapporteur recommends the approval of the draft Interinstitutional agreement and of the related joint declaration. The draft report also contains an appreciation of some of the main provisions of the new IIA, calls for an examination of the extent to which amendments or interpretations of the Rules of Procedure are necessary for the implementation of the agreement and points to a number of issues where further follow-up is needed.



Calendar proposed:

Consideration of amendments and vote on draft report: 22/23 February
Plenary: 9/12 March

Shadow Rapporteurs: Richard Corbett (S&D),
Anthea McIntyre (ECR), Maite Pagazaurtundúa

(ALDE), Kostas Chrysogonos (GUE/NGL), Pascal Durand (Greens/EFA)



Discharge 2014: EU general budget - Council and European Council

Consideration of amendments and vote on the draft opinion

Rapporteur: Pascal Durand (Greens/EFA)

Committee Responsible:
CONT

On 19 November 2015, the AFCO committee decided to deliver an opinion to the 2014 discharge report regarding the Council and the European Council in view of highlighting persisting problems with regard to the cooperation between Council and Parliament in the framework of the discharge procedure, notably concerning the provision of information that Parliament considers necessary to scrutinise the implementation of the budget of the Council and the European Council. The draft opinion was presented on 14 January and the deadline for amendments was set for 26 January. 27 amendments have been tabled.

Whilst considering that Parliament departed from the procedure laid down in the Treaty by giving discharge separately to individual Union institutions and bodies, the rapporteur considers it a serious failure of Council not to cooperate with Parliament in providing the information necessary for giving discharge. The rapporteur thus calls upon the Council and the Commission to enter into negotiations with the EP to ensure the provision of such information. Failing a satisfactory settlement of this question the rapporteur considers that Parliament should consider giving discharge only to the Commission, whilst maintaining separate resolutions for each institution with observations as to the implementations of their respective budgets. The rapporteur also points out that ultimately a Treaty revision is required to ensure a

clear, democratic and transparent discharge procedure.

Calendar proposed:

Consideration of amendments and vote: 22/23 February

Shadow rapporteurs: György Schöpflin (EPP), Claudia Tapardel (S&D), Morten Messerschmidt (ECR), Charles Goerens (ALDE), Helmut Scholz (GUE/NGL)

*** End of vote ***



Transparency, accountability and integrity in the EU institutions

Exchange of views

Rapporteur: Sven Giegold (Verts-ALE/DE)

Committee Responsible: AFCO

Committee(s) Responsible for an opinion: CONT, ENVI, INTA, JURI, LIBE

Last 3 December, rapporteur Sven Giegold (Greens - DE), for the INI report on "Transparency, accountability and integrity in the EU institutions", presented his draft report, expressing the importance of clear rules on lobbying, on dealing with conflicts of interests within the EP, on cooling-off periods, and on improving transparency, with special reference in this context also to the Eurogroup and the ECB. The discussions underlined the importance of high standards of transparency, accountability and integrity in the EU institutions for regaining the trust of citizens in the European project. Whilst generally supporting the aims of the report, several members pointed to the need to find the right balance between different principles when evaluating certain proposals

and asked for sufficient time to discuss the proposals further with the rapporteur and in the groups.

According to Art. 53.6 of EP Rules of Procedure, and due to the importance of the issues addressed in the aforementioned draft Report, and in close agreement with the rapporteur Sven Giegold, we have decided to have a specific debate and exchange of views in AFCO, jointly with the five Rapporteurs for an Opinion, with the aim to take on board the adopted Opinions by the five involved committees (CONT, ENVI, INTA, JURI and LIBE).

We thank the five Rapporteurs, or Colleagues who will replace them, for their presence.

Calendar proposed:

Deadline for tabling amendments: 29 February 2016, at noon

Consideration of the presented amendments: 14-15 March 2016

Vote in AFCO: 20 April 2016

Shadow rapporteurs: Andrej Plenkovich, Jo Leinen, Kazimierz Michał Ujazdowski, Maite Pagazaurtundúa Ruiz, Helmut Scholz, Fabio Massimo Castaldo, Gerolf Annemans



Improving the functioning of the European Union building on the potential of the Lisbon Treaty

Consideration of amendments

Co-rapporteurs: Mercedes Bresso (S&D), Elmar Brok (EPP)

Committee responsible:

AFCO

Committee(s) responsible for an opinion: BUDG, CONT

During the joint Interparliamentary Committee Meeting (ICM) that took place on 19 November 2015, the two co-Rapporteurs of the INI report on "Improving the functioning of the European Union building on the potential of the Lisbon Treaty", Mercedes Bresso (S&D-IT) and Elmar Brok (EPP-DE), presented their working document. On 14 January an exchange of views took place on the provisional draft report. The deadline for amendments was set for 16 February. Close to 900 amendments have been tabled.

In their working document and draft report the rapporteurs are examining the yet unused possibilities offered by the Lisbon Treaty to tackle the challenges that the Union is currently facing, by better exploiting its institutional structure, enhancing its democratic accountability, deepening the Economic and Monetary Union, completing the Internal Market and furthering joint efforts in the fields of External Action and Justice and Home Affairs.

Calendar proposed:

Consideration of amendments: 22/23 February

Consideration of amendments and possible compromise amendments: 14/15 March

Vote on draft report: 20 April

Plenary: May (provisional)

Shadow rapporteurs: Kazimierz Michał Ujazdowski (ECR), Charles Goerens (ALDE), Barbara Spinelli (GUE/NGL), Sven Giegold (Greens/EFA), Fabio Massimo Castaldo (EFDD), Gerolf Annemans (ENF)



The renegotiation of the United Kingdom constitutional relationship with the European Union

During the European summit of 17-18 December 2015 the political will to find a solution was expressed by the Head of States. However, no real decisions were taken on the UK requests.

The concrete text announced by the President of the European Council, Donald Tusk, will be submitted before the February European Council, where "real decisions" should be taken.

After the AFCO delegation to London in November last year and the exchanges of views in AFCO committee in December and January, Mr. Jonathan Faull, General-Director of the European Commission's Task Force for Strategic Issues related to the UK Referendum, will update AFCO on the actual situation.

Concerning the conclusion of the dossier, the role of the EP and of AFCO will depend on the concrete solutions to be adopted (Treaty change, protocol, secondary legislation, solemn declaration). There is also the issue of how the EP is/will be involved in the negotiations.

President Tusk has insisted that the EP should be consulted, and the interlocutors in London abundantly expressed themselves in favour of the participation of the EP in the process.

Depending on the outcome of the renegotiations with the EU, Prime Minister Cameron said he will campaign for a vote in favour of staying in the EU.

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Annual Report 2014 on subsidiarity and proportionality

Consideration of draft opinion

Rapporteur: Kazimierz Michal Ujazdowski (ECR)

Committee responsible:
JURI

AFCO decided to deliver an opinion to the JURI INI report on the "Report from the Commission - Annual Report 2014 on subsidiarity and proportionality (COM (2015) 315 final)". The JURI timetable is not yet decided.

In his draft opinion, the rapporteur welcomes the package of better regulation measures adopted on 19 May 2015.

He regrets the decrease in the number of reasoned opinions received from national parliaments in 2014 (as a result of the declining number of legislative proposals from the Commission). The rapporteur believes that it is important to raise awareness of national parliaments on subsidiarity issues; that national parliaments should be supported with tools permitting information exchange and that a mechanism should be developed for the participation of national parliaments in the EU legislative process. He is also of the opinion that the eight weeks period given to national parliaments to issue a reasoned opinion under Article 6 of the Protocol on the application of the principles of subsidiarity and proportionality should be extended significantly and that material criteria for establishing the existence of a violation of the subsidiarity and proportionality principles should be proposed.

Finally he considers that the Commission should provide an adequate response to the request by a number of national chambers for a stronger subsidiarity control procedure and proposes that the Commission should be bound to withdraw or

amend its proposal when a yellow card is triggered. The idea of a 'green card' should be considered as a means of raising the participation and activity of national parliaments in the EU legislative process.

Calendar proposed:

Exchange of views on amendments: 22-23
February
Vote: 14-15 March

Shadow rapporteurs: Cristian Dan Preda (EPP),
Claudia Tapardel (S&D), Charles Goerens (ALDE),
Max Andersson (Greens/EFA)

Next Meetings

Monday 14 March 2016, 15.00 - 18.30 (Brussels)

Tuesday 15 March 2016, 09.00 - 12.30 (Brussels)

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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.

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