



Newsletter

Issue 17, April 2016



Introductory words by Prof. Dr. Danuta Maria HÜBNER

Dear Readers,

I am very happy to present the 17th 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 Wednesday 20 April will deal with important discussions for European Integration, especially issues concerning democracy, rule of law and fundamental rights. On Wednesday morning the meeting will focus on the Hearing on the "State of play" of the Accession to the European Convention on Human Rights (ECHR), followed by the debate on opinion in the possible creation of a budgetary capacity for the Eurozone and on the revision of the current MFF. In the afternoon meeting, AFCO will vote on two important AFCO opinions on the suppression of the Tribunal for disputes between EU and its Servants, and on the annual report on subsidiarity and proportionality. Two important debates on e-democracy and on the amendments on the Establishment of an EU mechanism on democracy, the rule of law and fundamental rights will close the AFCO meeting.

I hope you will find this issue useful,

Prof. Dr. Danuta Maria HÜBNER, Chair

Meeting languages available

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

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.

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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

20.04.2016 in BRUSSELS

Room: József Antall (4B001)

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

- Adoption of Agenda
- Chair's announcements
- Approval of minutes of meeting of: 14 January 2016.
- Hearing AFCO on "Accession to the European Convention on Human Rights (ECHR): stocktaking after the ECJ's opinion and way forward"
- Budgetary capacity for the Eurozone - consequences for the EU budget, complementarities and parliamentary control (Exchange of views)
- Preparation of the post-electoral revision of the MFF 2014-2020: Parliament's input ahead of the Commission's proposal (Consideration of amendments)
- Transfer to the General Court of the EU of jurisdiction at the first instance in disputes between the Union and its servants (Adoption of Draft Opinion)

- Annual report 2014 on subsidiarity and proportionality (Adoption of Draft Opinion)
- e-Democracy in the European Union: potential and challenges (Consideration of working document)
- Establishment of an EU mechanism on democracy, the rule of law and fundamental rights (Consideration of amendments)
- Any other business

Hearing AFCO on "Accession to the European Convention on Human Rights (ECHR): stocktaking after the ECJ's opinion and way forward

After the Court of Justice delivered its negative opinion on 18 December 2014 on the compatibility of the draft agreement with the Treaties, this hearing is meant to be a valuable preparation to discuss the way forward in order to comply with what, apart from being a political goal shared by a clear majority of the committee, is still an obligation from the Treaty in its Article 6(2), which states that the Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms. However, such an accession shall not affect the Union's competences as defined in the Treaties.

PUBLIC HEARING
COMMITTEE ON CONSTITUTIONAL AFFAIRS
Wednesday 20.04.2016 – 09:15-11:30
JOZSEF ANTALL BUILDING – ROOM 4Q1

ACCESSION TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS (ECHR): STOCKTAKING AFTER THE ECJ'S OPINION AND WAY FORWARD

Chaired by **Danuta Hübner**

The Commission had requested the Court of Justice for an opinion on the compatibility of the draft agreement with the Treaties establishing the European Union. On December 2014, the Court of Justice delivered a negative opinion on this and on 26 February 2015, this Committee together with LIBE Committee heard a first assessment by the Commission and the Parliament's Legal Services.

On its Opinion 2/13, the Court has declared that the draft agreement was not compatible with Article 6(2) TEU or with Protocol (No 8) relating to Article 6(2) of the Treaty on the European Union in that among others it could affect the specific characteristics and the autonomy of EU law, jeopardize Article 344 TFEU on the settlement of disputes between Member States, circumvent the preliminary ruling procedure before the Court and submit the judicial review of acts in the area of the Common Foreign and Security Policy to a non-EU body, even when the Treaties have excluded the competence of the Court of Justice.

Introductory remarks will be made by Chair Danuta Hübner. Then the experts will present their views:

- Martijn de Grave, the Head of section Legal and Institutional Affairs and Coordinator for Justice and Home Affairs at the Dutch Permanent Representation;
- Hannes Krämer, Legal Adviser in the Commission Legal Service;
- Jörg Polakiewicz, Juriconsult of the Council of Europe, Director of Legal Advice and Public International Law;
- Jean-Paul Jacqué, former President of the University of Strasbourg and former Professor at the College of Europe. Currently Mr Jacqué is Honorary Director General of the Legal Service of the Council;
- Sonia Morano-Foadi, Associate Professor and Director for Legal Research and Policy Study at the Law School of Oxford Brookes University;
- Stelios Andreadakis, Lecturer at the University of Leicester.
- Ricardo Passos, Director for Institutional and Parliamentary Affairs in the Parliament's Legal Service.

Barbara Spinelli, representing the LIBE Chair, Claude Moraes, will present her views on the issues at stake.

**** Voting time ****

A budgetary capacity for the Eurozone



*Exchange of views on a draft opinion
Decision on deadline for tabling amendments*

Rapporteur for the opinion: Paulo Rangel (EPP)
Responsible committees: BUDG - Reimer Böge (EPP) and ECON - Pervenche Berès (S&D)

The AFCO committee will draft an opinion under Rule 54 to this joint initiative report by the BUDG-ECON committees. The BUDG-ECON rapporteurs, Reimer Böge and Pervenche Berès, have drafted two working documents, on which an exchange of views will be held in the joint BUDG-ECON meeting of 26 April. Their draft report will be presented on 30 May. A public hearing was held on 2 March.

The rapporteur will present the main ideas for his draft opinion to this report. The committee will have an exchange of views on these.

Calendar proposed:

Deadline for amendments: 7 June 2016
Presentation of draft opinion and consideration of amendments: 15 June 2016
Vote in AFCO: 12 July 2016
Vote in BUDG - ECON: 5 September 2016

Shadow Rapporteurs: Mercedes Bresso (S&D), Morten Messerschmidt (ECR), Sylvie Goulard (ALDE), Helmut Scholz (GUE/NGL), Fabio Massimo Castaldo (EFDD)

Preparation of the post-electoral revision of the MFF 2014-2020: Parliament's input ahead of the Commission's proposal

Consideration of tabled amendments

Rapporteur for the opinion: Pedro Silva Pereira (S&D)
Responsible Committee: BUDG - Jan Olbrycht (EPP) and Isabelle Thomas (S&D)

AFCO will hold a discussion on the amendments tabled to the draft opinion of Mr. Silva Pereira on the preparation of the post-electoral revision of the MFF 2014-2020: Parliament's input ahead of the Commission's proposal. In the committee meeting of March, the rapporteur had presented his draft opinion, and by the deadline (Monday, 4 April, which was prolonged from 23 March, following the tragic events in Brussels of that week), 29 amendments were tabled. The amendments focus on various issues, including the need of fully ensuring information and parliamentary control, and transparency regarding any budgetary operations or disbursements; the accumulated payments backlog; the migration issues in a context of economic crisis; the financial transaction tax, among others.

Calendar Proposed:

Vote in AFCO: 30 May 2016
Vote in BUDG: 15-16 June 2016

Shadow Rapporteurs: György Schöplín (EPP), Morten Messerschmidt (ECR), Charles Goerens (ALDE), Helmut Scholz (GUE/NGL), Pascal Durand (Greens/EFA) and Fabio Massimo Castaldo (EFDD)

**** Voting time ****

Transfer to the General Court of the EU of jurisdiction at first instance in disputes between the Union and its servants



Adoption of a draft opinion

Rapporteur for the opinion: the AFCO Chair Danuta Maria Hubner (EPP)
Responsible committee: JURI - Mady Delvaux (S&D)

On 28 March 2011, the Court of Justice submitted a proposal on the amendment of the Statute of the Court of Justice of the EU on the basis of Articles 254(1) and 281(2) TFEU.

AFCO decided to deliver an opinion on the proposal for a regulation of the European Parliament and of the Council on the transfer to the General Court of the European Union of jurisdiction at first instance in disputes between the Union and its servants. The Regulation shall take effect on 1 September 2016 and JURI will adopt its report on 21 April.

This proposal comes in the follow-up a previous decision to increase the number of judges of the General Court from 28 to 56.

In fact, in order to cope with the increased workload, the Court of Justice considered it necessary, in order to find a structural solution, to have an increase in the number of Judges by at least 12. This would bring the number of General Court Judges to 39.

The Commission and the Parliament have accepted this increase in the number of judges. Member States were however not able to agree on the modalities for the appointment of 12 additional judges. If the large Member States wanted them to be appointed on merit, small Member States required a rotation system which ensures them, in turn, two judges at the Court.

In July 2014, the Italian Presidency asked the Court to formulate a new reform proposal; a proposal that the President of the Court of Justice submitted in autumn 2014.

The updated version of the proposal proposed to double the number of judges of the General Court to 56 in three steps. In 2015, twelve new judicial positions would be created. In 2016, the seven judges of the Civil Service Tribunal would integrate into the General Court. Finally, in 2019, nine new posts would be created.

On the basis of this new proposal, the Parliament and the Council approved Regulation 2015/2422 amending Protocol No 3 on the Statute of the Court of Justice of the European Union.

The proposal now under discussion is aimed at implementing the agreement reached between EP and Council last year on the increase of the number of judges of the General Court (from 28 to 56). As part of this agreement, the 7 judges of

the Civil Service Tribunal would integrate into the General Court in 2016.

In order to allow for this transfer of judges, it is necessary to transfer also the competences of the Civil Service Tribunal to the General Court. That is what this proposal does.

As the proposal does not raise particular issues of constitutional nature, the rapporteur agrees to it without proposing amendments.

Calendar proposed:

Vote in JURI: 21 April 2016

Shadow Rapporteurs: Mercedes Bresso (S&D), Morten Messerschmidt (ECR), Maite Pagazaurtundúa Ruiz (ALDE), Kostas Chrysogonos (GUE/NGL)

Annual report 2014 on subsidiarity and proportionality

Adoption of a draft opinion

Rapporteur for the opinion: Kazimierz Michał Ujazdowski

Responsible committee: JURI - Sajjad Karim (ECR)

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).

After an exchange of views at AFCO meeting in January, 66 amendments were tabled by the deadline. The amendments were discussed during the AFCO February committee meeting. The rapporteur proposes on top 5 compromise amendments.

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 the 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-week 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 propose 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:

Vote in JURI: 7/8 November 2016

Shadow rapporteurs: Cristian Dan Preda (EPP), Claudia Tapardel (S&D), Charles Goerens (ALDE), Kostas Chrysogonos (GUE/NGL), Max Andersson (Greens/EFA), Fabio Massimo Castaldo (EFDD), Gerolf Annemans (ENF).

**** End of vote ****

e-Democracy in the European Union: potential and challenges



Consideration of a working document

Rapporteur for the opinion: Ramón Jáuregui Atondo (S&D)

Committee Responsible: AFCO
Committee Responsible for an Opinion: CULT - Isabella Adinolfi (EFDD)

On 29 October 2015, Mr Ramón Jáuregui Atondo was appointed rapporteur of an own-initiative report on "e-Democracy in the European Union: potential and challenges".

The CULT Committee will provide an opinion under Rule 53 of the Rules of procedure, with Isabella Adinolfi as Rapporteur.

During the last Committee meeting on 14 March, the AFCO Committee held a public hearing on the same subject of e-Democracy, this meaning that this year AFCO wants to focus on new, innovative and potential shapes of democracy and the ways for contributing to it. This has the aim of reinforcing citizens' participation in political life and of bringing citizens back to active involvement.

Article 11 TEU properly establishes that "*The institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action*".

Now, the Committee wants to explore the possibilities of using digital technology to participate in the democratic life of the Union.

An exchange of views will take place on the basis of the presentation of the working document.

Calendar proposed:

Second exchange of views: 30 May 2016

Presentation of draft report: 15 June 2016

Deadline for tabling amendments: 01 July 2016 at 17h00

Consideration of amendments and vote: 29 September 2016

Vote: 12 October 2016

Shadow Rapporteurs: Cristian Dan Preda (EPP), Kazimierz Michał Ujazdowski (ECR), Sylvie Goulard (ALDE), Barbara Spinelli (GUE/NGL), Pascal Durand (Greens/EFA), Isabella Adinolfi (EFDD).

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

Consideration of tabled amendments

Rapporteur for opinion: György Schöpflin (EPP)
Committee responsible: LIBE - Sophia in't Veld (ALDE)

AFCO is associated to LIBE under an internal procedure ("Rule 53+").

During its meeting in February, AFCO discussed György Schöpflin's working document on an Annual Pan-EU debate on Democracy, the Rule of Law and Fundamental Rights and held a hearing organised jointly with LIBE on "Respect for Democracy, Fundamental rights and the rule of law: the role of the judiciary".

AFCO had an exchange of views on the draft opinion in March. The deadline for amendments expired on 4 April and the secretariat received 81 amendments that the Committee will discuss today.

In his draft, the rapporteur expresses the view that the Member States should move towards a shared culture of the meaning of the rule of law. Considering that the procedure under Article 7 TEU is virtually unusable he notes that the Union has no legally binding mechanism in place to monitor the compliance of the MS and EU institutions with the EU's fundamental values.

Taking note of the Rule of Law Framework established by the Commission in 2014 and of the creation of an annual dialogue on the rule of law in the General Affairs Council he considers it important to work towards a new consensus between the EU and its MS with the aim of promoting democracy, the rule of law and fundamental rights.

He emphasises the key role that the European Parliament and the national parliaments should play in measuring the progress and monitoring the compliance with the shared values of the Union.

On the basis of those considerations he recommends to establish an EU mechanism for Democracy, the Rule of Law and Fundamental Rights (would require a Treaty change) and calls for a coordination of the different EU initiatives; informal trilogues should be regularly organised to ensure a coherent EU approach. He also recommends the conclusion of a pact between all

EU institutions and national parliaments in order to establish an annual 'fundamental rights policy cycle' as part of a multi-annual structured dialogue among all stakeholders.

An annual pan-EU parliamentary debate on democracy, the rule of law and fundamental rights should be organised as part of this multi-annual structured dialogue between the European Parliament and the national parliaments, on the one hand, and the Commission and the Council, on the other. Goals to achieve and means to measure changes from one year to another should be set.

The Annual Pan-EU debate on Democracy, the Rule of Law and Fundamental Rights should be organised as part of this multi-annual structured dialogue between the Parliament and the national parliaments, on one hand, and the Commission and the Council, on the other. Goals to achieve and ways to measure changes from one year to another should be set.

Calendar proposed:

Vote in AFCO: 30 May 2016

Vote in LIBE: 30 June 2016

Shadow Rapporteurs: Pedro Silva Pereira (S&D), Kazimierz Michał Ujazdowski (ECR), Maite Pagazaurtundúa Ruiz (ALDE), Kostas Chrysogonos (GUE/NGL), Josep-Maria Terricabras (Greens/EFA), Fabio Massimo Castaldo (EFDD), Gerolf Annemans (ENF).

Next Meetings

Monday 30 May 2016, 15.00 - 18.30 (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 @EPInstitutional.

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