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Dear President,

The Commission would like to thank the Senát for its Opinion concerning the Commission's Annual Report 2012 on relations between the European Commission and national Parliaments as well as the Commission's Annual Report 2013 on subsidiarity and proportionality {COM(2013) 565 and 566 final}.

The Commission appreciates the Senát's active involvement in the political dialogue with the Commission, as well as its intention to further pursue it, with an increased interest in non-legislative documents. In the Commission's view, it is crucial that national Parliaments get involved as early as possible in the European policy-making process, e.g. by scrutinising also pre-legislative documents, and it welcomes the strong support from the Senát in this regard.

In order to make it easier for national Parliaments to follow and get involved in pre-legislative discussions, the Commission has put in place an automatic alert-mechanism, by which national Parliaments are notified via e-mail each time the Commission publishes a new roadmap or launches a new public consultation. The Commission is happy to confirm that this mechanism is now operational since early December 2013.

As regards the quality of the Commission replies to national Parliaments' opinions, the Commission would like to underline that several measures have been taken to provide further guidance to those who draft the replies and check them. This being said, the Commission actually receives very few specific complaints. If a chamber does not find that a reply provides the necessary explanations, the Commission would encourage the chamber in question to get back to it and ask for further clarifications.

Nevertheless, there can always be situations where a written reply cannot be as explicit and definitive as national Parliaments would like it to be, either because the institutions are in the middle of sensitive negotiations or because it is still too early for the Commission to take a definitive position on issues of substance. This is also why it is important that the political dialogue goes further than an exchange of opinions and replies that it continues also after the

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Commission sends its reply, and that it is complemented by personal meetings and exchanges.

As regards the publication of national Parliaments' opinions as well as information on the outcome of national Parliaments' subsidiarity checks, the Commission would like to recall that it continues to publish all reasoned opinions and all opinions received in the context of the political dialogue on its Europa website, both in the original language and, if the translation is provided, also in English or French. In this context, the Commission regularly encourages national Parliaments to accompany their (reasoned) opinions by at least a courtesy translation.

The Commission is also currently examining the feasibility, both from a technical and from a budgetary point of view, of upgrading its Europa website dedicated to national Parliaments' opinions, with a view to making it more user-friendly and more comprehensive, and of regularly publishing a list of reasoned opinions received per Commission proposal after the relevant deadline for subsidiarity control has expired. The Commission acknowledges that such information would be of particular interest to national Parliaments, but also to academia and other stakeholders, and would clearly increase transparency. An upgraded Commission website on Europa should contain all relevant information related to the political dialogue and subsidiarity control concerning Commission proposals and consultation documents, for which solely the Commission is responsible. The European Parliament could of course publish similar information on its own proposals subject to subsidiarity control.

Regarding the concerns expressed by the Sénat in relation to the interpretation by the Commission of certain competence-regulating provisions of the Treaties, and namely in the cases cited by the Sénat in its Opinion, the Commission would like to refer the Sénat to its specific replies to the above-mentioned Opinions.

Concerning the deepening of the Economic and Monetary Union and the need to ensure that any further integration should maintain the trust and support of citizens, specifically highlighted in the Opinion of the Sénat, the Commission agrees on the importance of ensuring that wherever future integration towards a genuine EMU involves further shared management of sovereignty and hence responsibility at the European level, this should be accompanied by commensurate steps to strengthen democratic legitimacy and accountability, and namely at the level where the respective executive decision is taken while taking due account of the level where the decision has an impact. With regard to the current situation, the Commission considers that the Treaties provide for an appropriate and democratic legal framework as regards the choice of legal basis for legislative proposals. The choice of legal basis under EU law is an objective process, duly motivated and fully amenable to judicial review.

Finally, as regards the use of delegated acts, the Commission would like to reiterate that it remains fully committed to respecting the conditions for the use of delegated acts, as set out in Article 290 TFEU, and namely that a delegation of power cannot embrace essential elements of the legislation but must be limited to "non-essential elements". In addition to that, the Commission always endeavours to be very precise on the definition of the objectives, content and scope of the delegation. It is worth emphasising that the legislator is never obliged to delegate powers to the Commission. Article 290 creates an option for the legislator. While delegated acts have many advantages, in terms of speed and effectiveness, the recourse to such mechanism remains in the hands of the legislator, who is entirely free to keep such powers for itself. Also, the Council's and the European Parliament's right to object to any delegated act adopted by the Commission and to revoke the delegation powers at any time are important safeguards.

The Commission hopes that these clarifications address the issues raised by the Senát and looks forward to continuing our political dialogue in the future.

Yours faithfully,

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Vice-President*