



EUROPEAN COMMISSION

Brussels, 5.10.2017
C(2017) 6668 final

Dear President,

The Commission would like to thank the Poslanecká sněmovna for its opinion on the Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 182/2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers {COM(2017) 85 final}.

The Commission takes note of the opinion of the Poslanecká sněmovna and would like to make the following comments.

As regards the proposed changes to the voting rules, the Commission is of the opinion that the proposal fully respects the Treaty. Article 291 of the Treaty on the Functioning of the European Union (TFEU) provides that there is a mechanism for the control by Member States of the Commission's exercise of implementing powers and that this mechanism will be laid down by ordinary legislative procedure. Article 291 of the Treaty on the Functioning of the European Union itself does not require specific voting rules to apply for the purpose of this mechanism. It was a choice by the legislator to follow in Article 5(1) of Regulation 182/2011 the voting rules set out in Article 16(4) and (5) of the Treaty on European Union and where applicable Article 238(3) of the Treaty on the Functioning of the European Union. The legislator may therefore make a different choice for specific cases, as proposed by the Commission.

As regards the proposal to give the Commission the right to refer the matter to the Council for an opinion, this is aimed at giving the Commission the possibility to obtain political guidance. The Commission would be looking here for a broader political orientation on the implications of the 'no opinion' outcome, including the institutional, legal, political and international implications. This opinion would not be binding for the concrete draft act in question. The control of the Commission remains with the Member States, as laid down in Article 291 of the Treaty on the Functioning of the European Union.

*Mr Ondřej BENEŠÍK
Chairman of the Committee for European Affairs
Poslanecká sněmovna
Sněmovní 4
CZ – 118 26 PRAGUE 1*

*cc Mr Jan HAMÁČEK
President
Poslanecká sněmovna
Sněmovní 4
CZ – 118 26 PRAGUE 1*

The Commission considers the proposal to be proportionate. The Commission recognises that only few specific cases are concerned and has therefore ensured proportionality by limiting the proposed changes to a minimum and by targeting them to the appeal committee stage only.

The Commission does not consider that an impact assessment was needed. The proposal concerns limited changes to the procedures for the adoption of implementing acts at appeal committee level. These changes are of a purely institutional and procedural nature. They do not, for instance, change the rules identifying the factors on the basis of which the approval of a substance should be assessed. Consequently, these changes do not have as such significant economic, environmental or social impacts.

Moreover, the Commission does not share the view that the proposed changes would lead to unjustified delays in the procedure. The only added procedural time is an additional month for the second referral to the appeal committee and maybe in a limited number of cases the referral to the Council, which at the maximum would add three months. This delay is justified in the Commission's view by the particularly sensitive nature of the matters in question.

Finally, as regards the publication of the votes of individual Member States at appeal committee level stage, the Commission does not expect that this will lead to Member States more often following political rather than technical objectives. In the cases that have proven to be problematic so far, the Commission's impression is that political considerations already play an important role now and the Commission considers that in these cases transparency is warranted.

Independently from this, increasing transparency is one of the key horizontal priorities of the Commission. We feel obliged to serve the interests and expectations of our citizens by striving for European Union action to take place in the most transparent and accountable way possible.

The Commission looks forward to continuing the political dialogue with the Poslanecká sněmovna in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*