

Brussels, - 1 JUL. 2010

C(2010) 4308

Dear President,

The Commission would like to thank the Czech Senate for its Resolution on the Framework Agreement between the European Parliament and the Commission, which is currently being revised.

The Resolution adopted by the European Parliament on 9 February 2010, together with the statement made by President Barroso right after the vote, constitute the political basis for the negotiations of the revised Framework Agreement. These political commitments are now being translated into a sound legal text. As the "guardian of the Treaties", the Commission remains very attentive to ensure that the revised Framework Agreement does not affect the institutional architecture established by the Treaties.

The Commission regrets the decision of the Council not to join the negotiations, despite repeated appeals from the Commission and the European Parliament. A dialogue between all three institutions would have been very useful for developing a common understanding on a number of issues, such as programming, access to sensitive information, better lawmaking or implementation of the new Treaty provisions in relation to international negotiations. As a consequence, the text under discussion is to be seen as an update of the current bilateral agreement. This is not in contradiction with Article 295 TFEU, which, although it provides for the conclusion of agreements between the three Institutions, does not ban agreements between only two of them. This opinion is shared by the Council Legal Service in its opinion of 4 March 2010, reference to which is made in the Czech Senate's Resolution.

As regards the content of the negotiations, the Commission would like to highlight the following points:

- The Commission agrees that equal treatment between Parliament and Council can only apply on issues in which the Treaties make the two institutions equal, e.g. as the two branches of the budgetary and legislative authority. Therefore, the revised Framework Agreement will explicitly mention that the principle of equal treatment has to take into account the respective roles conferred by the Treaties on the Parliament and the Council.

Mr. Přemysl Sobotka
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- The Commission has no intention to issue a communication to clarify the concept of legislative act which is clearly defined by the Treaty. According to Article 289 TFEU, a legislative act is a "*legal act adopted by legislative procedure*", be it ordinary or special. Therefore, an act which is not adopted under such a procedure is not a legislative act.
- As regards requests based on Article 225 TFEU, the revised Framework Agreement is expected to change very little the *status quo*. It is already current practice that the Commission responds within three months with an indication of the follow-up it intends to give to a Parliament resolution. The Commission maintains its full discretion on how it responds to these requests, in full accordance with the Treaties and therefore does not see such procedures as a limitation of its right of initiative.
- According to Article 24 TFEU, the procedures and conditions required for a European Citizens' Initiative are to be established in a Regulation to be adopted by the Parliament and the Council. The Commission has already made such a proposal. Nothing in the Treaties prevents the institutions from cooperating on this issue.
- As regards the application of Union law, the Commission would like to recall that the Inter-Institutional Agreement on Better Law-Making, signed by the Council, the Commission and the Parliament¹, already refers to binding time limits for the transposition of directives which should be as short as possible and in general "*not exceed two years*".
- Finally, the revised Framework Agreement is not expected to contain specific provisions on the European External Action Service.

The revised Framework Agreement would not affect the powers and prerogatives of the European Parliament or of the Commission but would seek to ensure that these powers and prerogatives are exercised as effectively and as transparently as possible within the institutional framework established by the Treaties. The negotiations on the revised Framework Agreement are still on-going and should be soon concluded.

I am looking forward to further developing our policy dialogue,

Yours sincerely,

¹ Signed on 16 December 2003 and published in the Official Journal C 321, 31 December 2003.