



EUROPEAN COMMISSION

Brussels, 25.7.2017
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Dear President,

The Commission would like to thank the Senat 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 has taken note of the concerns of the Senat, which considers that the proposed Regulation introduces a systemic change and upsets the institutional balance established by the Treaty on European Union (Article 13 (2)) and the division of competencies specified in the Comitology Regulation with the possibility of transferring the decision-making level from the European Commission to the Council of the European Union.

The Commission is of the opinion that the proposal fully respects the institutional balance and would like to make the following comments in this regard.

The proposed possibility of a further referral to the appeal committee at ministerial level if no solution can be found in the first meeting of the appeal committee is meant to elevate the discussion to the highest political level and to encourage Member States to take a stance on the matter being discussed. This was the originally envisaged function of the appeal committee. Already now the Rules of Procedure of the appeal committee specify in Article 2 that the "representation should not be below the level of members of the committee of the Permanent Representatives of the governments of the Member States" and representation at ministerial level is not excluded.

The proposal to give the Commission the right to refer the matter to the Council for an opinion is aimed at giving the Commission the possibility to obtain political guidance on some sensitive issues. 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. The opinion is not intended to be binding for the concrete draft act in question.

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Both of these proposed changes do not change the fact that, in the end, the decision remains with the Commission which adopts the act.

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

Yours faithfully,

*Frans Timmermans
First Vice-president*