



EUROPEAN COMMISSION

Brussels, 11.01.2012
C(2012) 39 final

Dear Chairman,

I would like to thank the House of Commons for its contribution to the political dialogue with the European Commission on the subject of the 2010 Annual report on relations between the European Commission and national Parliaments {COM(2011)345 final}. This document provides a factual overview of relations during the first full year of application of the Lisbon Treaty and also articulates the Commission's view on how they could be further developed.

When launching the political dialogue in 2006, President Barroso encouraged national Parliaments to send their opinions on legislative and non-legislative Commission initiatives and proposals to the Commission and undertook to reply to them in writing. The European Council of June 2006 called on the Commission to take these opinions into account.

The aim of the direct, wide-ranging and to a large extent informal political dialogue between the Commission and national Parliaments is to improve mutual understanding, and so to contribute to a richer, better informed and more accurate public debate on issues of shared interest, be it at national or European level. The Commission strongly believes that by engaging in such a dialogue, we serve first and foremost European citizens, and by doing so we reinforce the democratic legitimacy of the European Union.

The political dialogue creates a new channel of communication and, as you rightly point out, an additional dimension to the way in which national Parliaments engage with EU affairs. However, the political dialogue is not a substitute for national Parliaments' scrutiny of their respective governments.

Statistics enclosed in the Commission's annual reports about the participation of national Parliaments in the written exchange of views on Commission consultation documents or legislative proposals confirm the significance of this initiative. There is an increasing interest in the political dialogue, which the Commission considers to be a very encouraging development. However, this factual overview cannot be interpreted as implying the existence of a chain of accountability between national Parliaments and the

*Mr William Cash MP
Chairman of the European Scrutiny Committee
House of Commons
London
United Kingdom*

Commission. This is neither foreseen in the Treaties, nor in any other way suggested by the Commission.

In this context, please allow me to reassure you that the Commission does not interpret the silence of those national Parliaments which, for their own reasons, have chosen not to participate in the direct exchange of views as indicating assent to our proposals. The added value of the Commission receiving opinions from national Parliaments early in the legislative process is first of all to have a better understanding of the positions of national parliamentarians and in that sense conduct negotiations with the European legislator (Council and European Parliament) in full awareness of the views expressed by those national Parliaments.

Our assessment as to whether or not national Parliaments showed support for a particular Commission initiative or proposal is based exclusively on the views expressed in the written opinions sent by national Parliaments to the Commission with a view to receiving a concrete reply.

I understand your concern about the lack of a specific indication in the report about the impact of opinions expressed by national Parliaments on the Commission's proposal or positioning in the legislative process. But this is inherent to the informal nature of the political dialogue, which as you know has to be conducted in full respect of the prerogatives of the EU institutions and of the institutional balance more generally. In any case, should the Commission modify its position in the course of the legislative procedure this will always be the result of the combination of several factors and an overall political and technical assessment of the issue under consideration, including the opinions from national Parliaments.

However, allow me to refer to the replies given by several national Parliaments to the latest COSAC questionnaire, which indicate for instance that some of the concerns expressed in the reasoned opinions adopted on the Commission proposal on Deposit Guarantee Schemes have indeed been addressed in the inter-institutional negotiations. I am confident that this is not an isolated case.

Let me also add that there are still very few documents on which the Commission receives more than 3 or 4 opinions from national Parliaments, while the question of impact is of course more relevant in those cases where the Commission receives a substantial number of opinions on a particular proposal. In the case of our proposal on the European Citizens' Initiative, which was one of the most commented in the context of the political dialogue to date, the 2010 annual report did indeed set out to what extent the Commission has taken on board comments received from national Parliaments, both on the initial Green Paper and on the ensuing legislative proposal.

As regards subsidiarity justifications, the Commission acknowledges that these have not always been reflected fully in the explanatory memoranda. However, I would like to emphasise that this does not mean that subsidiarity justifications are missing, as in the great majority of cases very detailed subsidiarity justifications are included in the impact

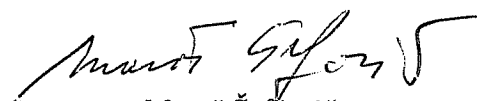
assessments that accompany all major Commission proposals. Subsidiarity is one of the fundamental principles taken into account by the Commission when carrying out its impact assessments and on which the Impact Assessment Board focuses when scrutinising the quality of impact assessments.

The Commission is fully committed to ensuring that in the future subsidiarity justifications be better reflected in the explanatory memorandum of its proposals.

Finally, let me assure you that the Commission shares your interpretation that only an opinion identifying a possible breach of the principle of subsidiarity can be classified as a 'reasoned opinion'. I would like to clarify that the 211 opinions accounted for in our 2010 annual report are all opinions referring to one of the 82 legislative proposals which were submitted to national Parliaments for subsidiarity control in 2010 and for which the 8-week deadline was launched. This statistic does not differentiate between cases where the opinions address the content of the proposal, observe compliance with the principle of subsidiarity, or allege a breach of subsidiarity (the latter being the only case where the opinion qualifies as a "reasoned opinion").

I hope that these clarifications address the concerns raised in your opinion and I look forward to further deepening our political dialogue with the House of Commons.

Yours faithfully,



Maroš Šešćovič
Vice-President