

Brussels, 17/04/2009
C(2009) 2895

Dear Lord Roper,

Thank you for sending us your Report on the Initiation of EU Legislation.

In line with the Commission's decision to encourage National Parliaments to react to its proposals to improve the process of policy formulation, we welcome this opportunity to respond to your comments. I enclose the Commission's reply. I hope you will find this a valuable contribution to your own deliberations.

I look forward to developing our policy dialogue further in the future.

Yours sincerely,



Margot WALLSTRÖM

Lord Roper
Chairman of the European Union Select Committee
House of Lords
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EUROPEAN COMMISSION

Brussels, April 2009

COMMENTS OF THE EUROPEAN COMMISSION ON THE REPORT OF THE HOUSE OF LORDS ON THE INITIATION OF EU LEGISLATION

The European Commission would like to thank the European Union Committee of the House of Lords for having transmitted their Report on the Initiation of EU Legislation.

As the Committee knows, the European Commission has duly contributed to the exercise leading to the drafting of this excellent Report, in particular through the submission of a Memorandum on the Origins of Commission Proposals and the hearing of its Secretary-General, Ms Catherine Day, who replied to questions raised by representatives of your Committee on 8 May 2008.

The views on the right of initiative of the European Commission, its evolution, the often diverse origins of its proposals, the transparency and functioning of the decision-making process, the consultation procedures, the impact assessments, the undergoing simplification, the objectives of EU legislation, the balance of interests, the dialogue with national parliaments and the impact of the Lisbon Treaty on the way decisions will be taken, have all been largely developed in the written evidence mentioned above and during the hearing of Ms Day.

The European Commission does share a great part of the observations and conclusions contained in the Report, notably regarding the right of initiative in perspective, the sources of ideas for legislation, the impact assessment, the different legal systems, Members States' initiatives and the Commission's near monopoly.

Regarding the consultation process (point 154) the Commission welcomes the remark of the House of Lords that the Commission has taken steps to enlarge the scope of its consultation processes.

As regards point 155, the Commission is committed to an inclusive approach when developing and implementing EU policies, which means consulting as widely as possible on major policy initiatives. This applies, in particular, in the context of legislative proposals. All public consultations launched by the Commission, in particular those which are triggered with the publication of a "Green paper" are widely open to all, including interested parties at national level."

On point 157 it has to be underlined that drafting at the Commission is decentralised, taking place at unit level within the operational Directorates-General, where the relevant specialist

knowledge is to be found. Training in drafting technique is offered by the Quality of legislation team within the Legal Service, but resources are too limited to reach more than a tiny fraction of potential drafters. A systematic control of drafting quality is undertaken on all significant legislative drafts by the same team during the course of the inter-service consultation.

Concerning point 158, right from the launch of the European Transparency Initiative, aiming, *inter alia*, at establishing a more structured framework for the relations lobbyists (interest representatives) maintain with the European Commission, the Commission has underlined the "legitimate and useful role of lobbying activities in a democratic system"¹. Therefore, the Commission appreciates that the report shares this approach.

Bearing in mind that, especially on a European level, the reputation and credibility is the most important asset of any lobbyist and that, since the launch of the Register of interest representatives, being registered has become an essential building block of the good reputation of a lobbyist, the Commission has decided to privilege a voluntary approach. The Commission remains confident that all bona fide lobbyists will sign up to its Register in order to make clear that they have nothing to hide and that they are responsible and accountable players.

With more than 1200 registrants², the mere fact that an organisation has not (yet) signed up sends already a message on its willingness to be open and transparent, putting more and more pressure on it to register soon.

As regards point 159, the European Commission can fund NGOs either in the context of tenders or calls for proposals, where the NGOs are implementing projects (co-)funded by the European Union or – more rarely – by giving grants to operating costs. This happens in a number of cases to ensure that interests which otherwise would not be able to be represented in Brussels can be heard and therefore guarantees that European decision makers have a balanced picture of all interests at play.

The Commission agrees that it is important that those arrangements must be transparent. Therefore, the website of the Financial Transparency System, set up in the context of the European Transparency Initiative, gives the details on the beneficiaries of budget lines managed directly by the Commission³. Furthermore, NGOs signing up to the Register of interest representatives must disclose their sources of funding, which then can reveal such European founding.

Finally, the Commission welcomes the view of the House of Lords (point 160) that the so called 'Barroso initiative' of sending directly legislative and consultation documents to National Parliaments inviting them to react, as well as formal exercises of consulting stakeholders by the Commission provide a valuable opportunity for National Parliaments to contribute to the process of policy formulation at the EU level.

¹ COM(2007)127 final of 21 March 2007: "Communication from the Commission. Follow-up to the Green Paper 'European Transparency Initiative'".

² The most recent numbers are published online: www.ec.europa.eu/transparency/regrin

³ <http://ec.europa.eu/beneficiaries/fts/>