



The Greens | European Free Alliance  
in the European Parliament

To:

Mr Martin Schulz,  
President of the European Parliament  
PHS 09B012  
European Parliament

Brussels, 25.04.2014

Dear President,

The European Parliament adopted on Thursday 13 March its report on the enquiry on the role and operations of the Troika (ECB, Commission and IMF) with regard to the euro area programme countries (2013/2277(INI)). The report contains inter alia a paragraph (n°83) calling upon the Commission and the Council to act so as to streamline the provisions of the current macroeconomic adjustment programmes with the legal obligations deriving from the 'so called 'two pack' as follows:

83. Calls for full implementation and full ownership of Regulation (EU) No 472/2013; calls on the Commission to start interinstitutional negotiations with Parliament in order to define a common procedure for informing the competent committee of Parliament on the conclusions drawn from the monitoring of the macroeconomic adjustment programme, as well as the progress made in the preparation of the draft macroeconomic adjustment programme provided for in Article 7 of Regulation (EU) No 472/2013; reminds the Commission to conduct and publish ex-post evaluations of its recommendations and its participation in the Troika; asks the Commission to include such assessments in the review report foreseen in Article 19 of Regulation (EU) No 472/2013; reminds the Council and the Commission that Article 16 of Regulation (EU) No 472/2013 provides that Member States in receipt of financial assistance on 30 May 2013 shall be subject to that Regulation as from that date; calls on the Council and the Commission, in conformity with Article 265 TFEU, to act in order to streamline and align the ad hoc financial assistance programmes with the procedures and acts referred to in Regulation (EU) No 472/2013; calls on the Commission and the co-legislators to draw the relevant lessons from the troika experience when designing and implementing the next steps of the EMU, including when revising Regulation (EU) No 472/2013;

This paragraph constitutes the first step of the procedure foreseen in Article 265 TFEU according to which any EU institution may bring an action before the Court of Justice of the European Union against another institution if the latter fails to act. The second paragraph of Article 265 provides that the action shall be admissible only if the institution has first been called upon to act. If, within two months of being so called upon, the institution has not defined its position, the action may be brought to the Court within a further period of two months.



The obligation to act arises from Article 7(2) in conjunction with Article 16 of Regulation No 472/2013. The Council and the Commission have indeed not yet aligned the current programmes with several provisions of one of the 'two pack' legislative texts (Regulation (EU) No 472/2013 which codifies in EU law procedural and substantive requirements related to the adoption of assistance programmes). This failure to act goes against the legal obligation referred to in Article 16 of Regulation (EU) No 472/2013, which provides that Member States in receipt of financial assistance on 30 May 2013 shall be subject to that Regulation as from that date and that Articles 7(4) and 7(5) of the same Regulation foresee that the Commission shall permanently monitor the programmes and propose the appropriate changes/updates required to these programmes.

It is worth noting that as provided for in Article 7(2) of Regulation (EU) No 472/2013 the programmes have to be prepared by the Member State in formal agreement with the Commission. Moreover, according to Article 7(7) of the same Regulation "The budgetary consolidation efforts set out in the macroeconomic adjustment programme shall take into account the need to ensure sufficient means for fundamental policies, such as education and health care". Such provision constitutes a general legal obligation relevant to all programmes and at any stage. However, despite the adoption by the Council, following the entry into force of Regulation (EU) No 472/2013, of two implementing decisions related to Portugal and Cyprus which update the programmes, these updates programmes are not yet in line with inter alia the obligation of the second subparagraph of Article 7(7) referred to above, given that no programme so far contains explicit provisions taking into account the need to ensure sufficient means for fundamental policies such as health and education. It is also worth reminding that Article 7(4) also grants the European Parliament explicit and specific information rights on the conclusions drawn from the monitoring of the programmes. However, such legal obligation for which the Commission is responsible has not yet been implemented despite the entry into force of the Regulation almost one year ago. The lack of action related to such legal obligations is hence a matter of concern as citizens of Member States under assistance, and in particular in Greece, are struggling with unprecedented everyday life difficulties. Implementation of these legal obligations would ensure that these citizens' fundamental rights in critical fields such as health and education, as enshrined in the EU Charter of Fundamental Rights and as insisted on by the Parliament in both the EMPL and ECON reports adopted in plenary, are respected.

The troika report as adopted and, specifically, paragraph 83 of the report, contains an explicit call to action that requires a follow-up from the Parliament. More specifically, the European Parliament is entitled, within a two-month period as set out in Article 265 TFEU, to start legal proceedings aimed at ensuring that the current programmes are fully aligned with the legal obligations provided in the 'two-pack'. The two month period for opening legal proceedings at the Court will start in mid-May 2014 and will end mid-July. It goes without saying that this isn't a very convenient period given the end of the current term and the start of the new one. It is therefore of the utmost importance that all the necessary internal steps are anticipated and planned well in advance so as to guarantee continuity and enable the new Parliament to take action on this in the first half of July.



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This undertaking would be greatly facilitated if the President could urgently ask the Legal Service to prepare the ground for a potential action and already request the JURI Chair and Secretariat to add to the agenda of its first meeting in the first week of July, a point on preparing and adopting, in conformity with Rule 128, a decision to recommend that the Parliament starts legal proceedings based on Article 265 TFEU and then takes the steps required to add the point to agenda of the second plenary session of July. These proceedings would be on the grounds described above.

We feel strongly that, given the relevant time constraints, it is today crucial to ensure the continuity between outgoing and incoming Parliaments, so that the new Parliament is fully able to implement appropriate follow-up of its previous decisions on such crucial matters. We count on your diligence to make sure that the issue is dealt with accordingly.

Yours sincerely,

Rebecca Harms, Co-President of the Greens/EFA group  
Phillippe Lamberts, Greens/EFA group  
Sven Giegold, Greens/EFA group

Cc:

Mrs Sharon BOWLES, Chair of the ECON Committee  
Mr Klaus-Heiner LEHNE, Chair of the JURI Committee  
Mrs Pervenche BERES, Chair of the EMPL Committee  
Mr Klaus WELLE, Secretary General of the European Parliament