



**FRANS TIMMERMANS**

First Vice-President

Brussels, 9/10/2018

*Dear Danuta,*

Thank you for your letter of 13 September 2018, by which you consulted the Commission on the proposed changes to the European Parliament Rules of Procedure as set out in the draft report to be voted on by the Committee on 10 October.

Paragraph 21 of the Framework Agreement on Relations between the European Parliament and the European Commission foresees that 'the European Parliament will seek the opinion of the Commission when it comes forward with a revision of its Rules of Procedures concerning relations with the Commission'. The general, preliminary views of the Commission on the proposed amendments were presented orally by the Commission's representatives during the last meeting of the Committee.

By means of this letter the Commission is presenting its detailed opinion on those aspects of the amendments which are relevant to the relations between our Institutions. This opinion is without prejudice to possible further views, which the Commission could express at the Plenary stage.

**Members' financial interests and transparency register - Rule 11 a (new)**

The Commission approaches this issue from the angle of our negotiations on the draft Interinstitutional Agreement on a mandatory Transparency Register. Throughout the process, the Commission has insisted on the need for both the European Parliament and the Council to commit to meaningful and effective conditionality measures to make the Register de facto mandatory for interest representatives by requiring that decision-makers only meet with those that are registered.

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Chair of the Committee on Constitutional Affairs  
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*The objective from the very start has been to achieve a strong, mandatory, tripartite Transparency Register based on the principle of conditionality of interactions with lobbyists, in particular of meetings with decision-makers, with a view to ensuring high transparency standards and consistency between the three EU Institutions. The Commission has already led by example in this area by unilaterally applying the conditionality principle to meetings between interest representatives and Commissioners, members of their Cabinets and Directors-General since December 2014. This decision has considerably reinforced the current Transparency Register.*

*Voluntary approaches and recommendations do not offer any guarantees that the principle of conditionality of meetings with decision-makers would be consistently applied by the three Institutions. Therefore, they fall short of the proposal's central objective of moving to a 'mandatory' system and the aim of arriving at equivalent standards of transparency in the three Institutions would be hampered. Unfortunately, neither the European Parliament, nor the Council has yet come forward with adequate proposals in this regard, offering only voluntary commitments.*

*In this regard, the Commission would welcome the proposed amendments 66 and 67, which in the second paragraph of Rule 11a, replace 'should' by 'shall'. The Commission highlights the importance of this issue in order to allow progress to be made on the Interinstitutional Agreement. The Commission also welcomes amendment 68 on the publication of information on meetings held between Members and interest representatives.*

#### **Intergroups - Rule 34**

*The Commission supports the proposed enhanced transparency of intergroups and would welcome amendment 76, which would ensure that only interest representatives who are registered in the Transparency Register may participate in intergroup or other unofficial grouping activities. Such measures would enhance the transparency of Parliamentary activities.*

#### **Written questions and interpellations - Rule 130, 130a, and 130b**

*The Commission welcomes in general the amendments regarding written questions and interpellations, which take into account the Commission's concerns expressed in my letter to President Tajani of 12 February 2017. The Commission welcomes in particular the proposed deletion of rule 130a and the abolition of minor interpellations, the limitation of the number of priority written questions per political group/Committee, as well as the amendments proposing stricter rules on major interpellations.*

*However, the Commission regrets that the European Parliament reintroduces language on timelines for replying to parliamentary questions, which purports to impose unilaterally a requirement on the Commission. The Commission, although it cannot be legally bound by such provisions, will continue to make every effort to reply in good time and to provide high-quality and politically pertinent replies.*

*The Commission would similarly like to recall that although it welcomes the extension of the timeframe for replying in writing to major interpellations to 6 weeks, the Commission cannot legally be bound to observe such a deadline. The Commission will continue to exercise its discretion in deciding how and in what form it will furnish its replies.*

### **Procedure for the consultation by a Committee of confidential information in a Committee meeting in camera – Rule 210 a**

*The Commission is aware of its obligations stemming from the confidentiality rules and would like to make sure that, when its confidential documents are analysed by the European Parliament, these rules are observed. The Commission welcomes amendments which introduce provisions providing that if the confidential procedure is applied, Committee meetings will take place in camera and that additional restrictions may apply regarding the consultation of classified information at the level of CONFIDENTIEL UE/EU CONFIDENTIAL and above, or in case of specific limitations of access.*

*However, the Commission is concerned that the wording used in the proposed text is not consistent with the existing rules under the Framework Agreement (Annex II 3.2.2.-(b)) and could lead to misunderstandings in their application. In particular, the amendments extend the circle of persons who would have access to in camera Committee meetings analysing confidential information beyond what is foreseen by the Framework Agreement to a potentially large number of persons, such as other Members and persons who have been designated in advance by the Chair as having a need-to-know.*

*The Commission therefore calls on the European Parliament to use the language of the Framework Agreement regarding the scope of persons who would have access to consult confidential information in the in camera Committee and to confirm that the rules of the Framework Agreement apply to access to documents in the in camera Committee meetings.*

*The Commission would also like to recall that whenever public access has been granted to the documents under Regulation 1049/2001 on public access to documents, the documents cannot be considered as confidential, and therefore the above-mentioned procedure should not apply.*

### **Public hearings on citizens' initiatives – Rule 211**

*The Commission in general welcomes the proposed amendments, which are compatible with European Citizens' Initiative Regulation framework – including with the rules thereof, which are currently under negotiation between the co-legislators, notably in relation to time limits for responding to successful initiatives. Under these amendments, the European Parliament would undertake certain actions, i.e. holding a plenary debate, possibly followed by a resolution, on those initiatives.*

*The Commission would however encourage the European Parliament to consider clarifying whether it would intend to implement the proposed actions in time before the adoption of any Commission response, and to reflect this in the amendments. This is pertinent especially regarding the amendment 105, which at present does not set any time limits for the European Parliament's actions.*

### **Unfinished business - Rule 229**


*The Commission welcomes this amendment, which aims at ensuring continuity of the European Parliament's internal proceedings for the European Citizens' Initiative.*

**Reasoned requests on political parties or political foundations**

*The Commission welcomes amendments reflecting the recent revision of Regulation 1141/2014, including the proposed safeguards, provided that the thresholds set are proportionate and adequate to avoid potential abuse and that a procedure is provided to check the authenticity of the signatures of the group of citizens.*

*I hope that consideration can be given to the Commission's observations when the Committee examines this file on 10 October.*

*I would like to thank you once again for the timely consultation of the Commission on this matter and I look forward to our cooperation in the future.*



Frans Timmermans