

Commission des affaires constitutionnelles  
Committee on Constitutional Affairs



Relevé des résultats<sup>1</sup> de la réunion du 28 04 2022  
Summary of the outcome<sup>2</sup> of the meeting of 28 04 2022

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**\*\*\*VOTING TIME\*\*\***

**PARLIAMENT'S RIGHT OF INITIATIVE**

AFCO/9/03616

2020/2132(INI)

RAPPORTEUR: PAULO RANGEL (PPE)

**ADOPTION OF AMENDMENTS. ADOPTION OF DRAFT REPORT.**

The **draft report** was adopted with **22 votes in favour, 5 against, 1 abstentions**. All 18 Compromise amendments to the draft report - CAs 1-18 – as well as amendments 32 (1st part), 36, 105 and 112 have been adopted. All other amendments were rejected or fell.

*AD in charge: Inke Kalb, Zampia Vernadaki*

**IMPLEMENTATION REPORT ON THE RECOVERY AND RESILIENCE FACILITY**

AFCO/9/08697

2021/2251(INI)

RAPPORTEUR: ANTONIO TAJANI (PPE)

**ADOPTION OF DRAFT OPINION IN FORM OF A LETTER.**

The **draft opinion in form of a letter** was adopted with **22 votes in favour, 5 against, 1 abstentions**.

*AD in charge: Serge Patou*

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<sup>1</sup> Seul le procès-verbal fait foi.

<sup>2</sup> Subject to adoption of the minutes.

## CHAIR'S ANNOUNCEMENTS

The Chair informed the Members about the postponement of the coordinators' meeting originally scheduled for 28 April 2022.

### EXCHANGE OF VIEWS WITH MAROŠ ŠEFCOVIČ, VICE-PRESIDENT OF THE EUROPEAN COMMISSION FOR INTERINSTITUTIONAL RELATIONS AND FORESIGHT

AFCO/9/02497

#### EXCHANGE OF VIEWS IN THE FRAMEWORK OF THE STRUCTURED DIALOGUE BETWEEN THE EUROPEAN PARLIAMENT AND THE EUROPEAN COMMISSION

The Chair welcomed VP Šefčovič, praising the overall very good cooperation with the Commission and the recent exchange held in the framework of the last CCC on the crisis in Ukraine. He invited AFCO Members to raise possible issues related to the **EP's right of initiative** based on Art 225 TFUE, an aspect on which the current Commission has made strong political commitments. He highlighted the final phase of the **Conference on Future of Europe (CoFE)**, considering it fundamental that questions it raised in its conclusions, including possible modification of the Treaties, be strongly supported by the Commission. He mentioned also the reform of the **Electoral Act**, which under the EP proposal establishes inter alia an European constituency, which is linked to the ongoing revision of the **statute of the European political parties** and foundations. Finally, on **Brexit**, the Chair wondered how to optimise negotiations on the implementation of the Northern Ireland protocol.

In his introductory remarks, VP Šefčovič spoke about his own experience of the **CoFE**, as a chair of the working group on health and digital society. He mentioned an unprecedented democratic exercise, highlighting the strong interest of participants, in particular the citizens, notably on the Russian aggression in Ukraine. He recalled the number of online and in-person events in addition to the conference itself and he underlined the benefits of the bottom-up approach and the multilingual digital platform of CoFE, which should find its use also in the future interactions with citizens. He indicated that all institutions have promised a proper follow-up of the conclusions of the Conference, in full respect of competences, subsidiarity, proportionality and BLM principles, while considering their impact and various policy options, including budgetary impact and available resources. On the **EP's right of initiative** based on Article 225 TFEU, VP Šefčovič reiterated the clear political commitment of the Commission to give follow-up to such resolutions, indicating that every such initiative is debated in College and that out of 18 resolutions, 14 have been implemented by the Commission and were, where possible systematically included in the proposals for the Commission's work program. VP Šefčovič expressed his satisfaction on the **electoral law** file and welcomed most amendments. With regard to **Brexit**, he recalled the upcoming elections to the parliamentary assembly in Northern Ireland (5 May) and the firm EU position that the Irish protocol is the best solution for peace and support of the Good Friday Agreement process in all dimensions, as well as of the integrity of the single market and avoidance of hard border in Ireland. He acknowledged the need to address several issues such as access to medicines, burdens related to SPS measures and custom controls.

In the ensuing debate, AFCO Members have raised several issues with regard to the **dialogue between Commission and EP**. Commission is still too slow and not thorough enough in answering EP's written questions. Also, on important files, there is a need that the Commission be represented at the highest political level (Commissioner in charge of the file or DG). During plenary, the Commissioner responsible should be present during the debates in order to ensure competent, informed but also spontaneous exchange. Some have criticized the choice of the **recast** as legal technique to propose amendments to legislative acts, which they believe has been severely limiting EP's right of initiative, pointing to the proposal on the Statute of European political parties and foundations. On the **EP right of initiative**, they recalled the commitment from the Commission but also from President Macron to give a stronger role to the European Parliament. Another question was raised with regard to how the **Commission** is monitoring its **role of neutral/honest broker** between EP and Council in the legislative and other inter-institutional negotiations. With regard to **better law-making** agenda, some Members have quizzed the Vice-President about the application of one-,in one-out principle. With regard to **CoFE** – Members insisted on number of specific issues, but also on the need for the Commission to be fully committed to follow-up, including by responding positively to the EP initiative to **modify treaties** under Article 48 TEU, under preparation. Some have identified certain reluctance of the Commission during the Conference to engage with regard to the Treaty change and asked whether in presence of a clear demand the Commission would support such approach and would be able to defend and sustain a **Convention**. Other issues related to the overall improvement of the **involvement of citizens** in the EU policy-making and on robust consultation mechanism and on the optimal solution for Northern Ireland. On the **Electoral Act**, MEPs have pointed in particular to the political support in the EP for the reform and wondered whether the Commission would be supportive.

In response to the questions from Members, VP Šefčovič has pointed out that, with regard to the **Statute on Parties** and Foundations it is the competence of VP Jourova, while highlighted one outstanding issue of concern in GAC debate on the financing coming from affiliated parties and foundations outside the EU, which is relevant against the current geopolitical backdrop. He defended the recast technique for being the most efficient. **On one-in/one-out** principle he insisted on the extraordinary context of pandemic and crisis in Ukraine, which skew the picture raising the need for number of extraordinary measures. He indicate that this year Commission will implement its new approach with introduction of Administrative Burdens Report, aiming to raise several important questions about the methodology and working method. He commented on the offsetting methodology, which should not be perceived in a mechanical manner and taken against the backdrop of the ambition to introduce measures in field such as environment, energy or food security and lessons learnt from the implementation. On the matter of **representation of the Commission at the plenary debates**, he pointed to the problematic image that sparsely populated plenaries sent to citizens, recalling very limited number of MEPs in the first debate about the crisis in Ukraine. He suggested that part of the answer is in the planning and anticipation of plenaries (2 weeks head-up) which would help the Commission to organize its participation. On replies to **written questions**, he thanked the EP for less numerous questions and insisted that the Commission is striving to answer more rapidly. On **CoFE**, he indicated that many debates converged on demand to better education and communication on what the EU does. He highlighted that debate about the change of the Treaties should not prevent EU to do

everything that can be improved in the current context. According to him, the Commission will do the best to take the conclusions forward, based also on the position of other institutions and noted “lot of caution” in the last GAC about treaty change. On the **right of initiative**, he highlighted the availability and readiness of the Commission to engage with the RoI resolutions, pointing to solid track record to the date and to the fact that genuine RoI will require Treaty change. On further **involvement of citizens** and consultation mechanism, he agreed on the need to explain better and more widely the decisions taken, suggesting also to use the digital platform to further spread the information. With regard to **Northern Ireland**, he highlighted the need for UK partner to cooperate better and improve the tools for the cooperation, citing the example of the need for the EU to have remote access to customs digital systems , allowing deployment of risk assessment tools ultimately leading to substantial reduction of SFS and customs burdens.

*AD in charge: José Luis Pacheco, Serge Patou, Petr Novak*

**THE STATUTE AND FUNDING OF EUROPEAN POLITICAL PARTIES AND EUROPEAN POLITICAL FOUNDATIONS (RECAST)**

**AFCO/9/07842 \*\*\*I**

**2021/0375(COD)**

CO-RAPPORTEURS: CHARLES GOERENS (RENEW), RAINER WIELAND (PPE)

**CONSIDERATION OF AMENDMENTS**

Before opening the debate, the Chair has reminded Members about the specific rules applying in the recast procedure to which this file is subjected. Application of the Rule 110(3) implies that as per rule only amendments to the substantive modification introduced in the Commission’s proposal are deemed admissible. On a case-by-case basis, the Chair may accept amendments outside the recast according to the exceptions under the same rule. The Chair has also recalled the request of several groups to postpone the original deadline for amendments to 8<sup>th</sup> April, which has been agreed and after consideration of the complexity of the procedure, on exceptional basis the Members were given additional possibility to rectify or amend the justifications of the amendments they have submitted.

The co-rapporteurs Charles Goerens (Renew) and Rainer Wieland (EPP) have both strongly criticized the choice of this legal technique by the Commission, which they believe constrains the EP’s rights as co-legislators and run against the EP’s right of initiative also in the view of the evaluation report drafted under Article 38 of the Regulation (EU) 1141/2014 currently in force. They have also suggested reviewing this approach of using recast technique on horizontal basis. They echoed the request expressed at the exchange with Commission VP Šefčovič to ensure political representation at the appropriate level (Commissioner or DG) when important files are being discussed. Further, the rapporteurs have recalled an exchange organized with the shadows and participation of EP DG FINS and the Authority for European Political Parties and Foundations. They have indicated that while most of the amendments of the draft report have been dealing with the internal consistency of the text, both co-rapporteurs have submitted additional amendments reflecting the position of their political groups.

The criticism of the choice of the recast procedure by the Commission to introduce the amendments to the Regulation has been echoed by the majority of the Members who participated in the debate, while also recalling the need to observe a tight timeline with the view of the entry into force of the Regulation ahead of the next European elections. In the ensuing debate, the Members have focused on the need to ensure the respect for the EU values and principles of gender equality is reinforced in the revision and raised questions on how to ensure the cooperation of the EUPPFs with the European neighborhood. Several recalled also the need to reinforce the link with the reform of the Electoral Law, which efficacy is premised on stronger European political parties, which would contribute to enhance the European public space. Some of the Members have also warned about the interference with the competences of the Member States, in particular with regard to the involvement of EUPPFs in referenda on EU matters.

The Commission in its intervention has defended the choice of the recast procedure for this file under the better law-making principles. The objective was both to consolidate the text of previous amendments and introduce changes, which the Commission has considered to be strongly aligned with the EP analysis expressed in the evaluation report. The representative of the Commission also pointed out that no objection on the grounds of subsidiarity has been raised by the national parliaments. In its comments on the amendments, the Commission pointed out that the Regulation is not the appropriate place to legislate on the matter related to the electoral law, in particular on transnational lists, since negotiations are still ongoing be it in framework of Parliaments legislative initiative as in the the context of CoFE.. With regard to th scope for contributions to parties and foundations from outside the EU, it defended the proposal of the Commission to consider only countries which are members of the Council of Europe, which is a well defined legal entity and suggested that the the amendments tabled could lead to increased risks of foreign interference and reduction of existing cooperation with entities having seat in the CoE. On the subject of political advertising, a representative of DG JUST highlighted the measures which were included as proportionate complement to the regulation on political advertising in consideration in parallel, , aiming to deter the interference in elections, without intervening in the content or national measures applicable to such advertising, but only dealing with labelling requirements.

*AD in charge: Petr Novak*

**PROPOSAL FOR A COUNCIL DECISION DETERMINING, PURSUANT TO ARTICLE 7(1) OF THE TREATY ON EUROPEAN UNION, THE EXISTENCE OF A CLEAR RISK OF A SERIOUS BREACH BY HUNGARY OF THE VALUES ON WHICH THE UNION IS FOUNDED**

**AFCO/9/07939**

**2018/0902R(NLE)**

RAPPORTEUR FOR THE OPINION: WŁODZIMIERZ CIMOSZEWICZ (S&D)

**CONSIDERATION OF AMENDMENTS**

The rapporteur for opinion, Włodzimierz Cimoszewicz have introduced the debate explaining that all the 31 (from 46 tabled) amendments in line with the general objective of the opinion have been included in the Compromises. AM11 has been considered as problematic although

it represented a direct quote from the Treaties Article 4(2) TEU it did not respect the logic and context of the same article.

In the debate, the Members welcomed the inclusive and comprehensive approach of the rapporteur to the compromises. They have commented on the general context of the implementation of the Article 7 and in particular on the role of the Parliament within those different steps as well as on the determined approach to maintain the highest standards in applying instruments aimed at preserving the rule of law in the EU, also in the light of the conflict in Ukraine.

*AD in charge: Petr Novak*

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José Luíz Pacheco

Ewelina Błaszczyk-Adamowicz