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EUROPEAN COMMISSION

Cabinet of Vice President Margot Wallström
Head of Cabinet

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10 MAI 2006

Brussels,
D(06)1068

*His Excellency Mr. Claus Grube
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
Permanent Representation of Denmark
to the European Communities
rue d'Arlon 73
B-1040 Brussels*

The Commission of the European Communities – Cabinet of Vice-President Margot WALLSTRÖM – presents its compliments to the Permanent Representation of Denmark to the European Communities and has the honour to enclose a letter from Mrs. Margot WALLSTRÖM, Vice-President of the Commission, to Mr. Per Stig Møller, Minister of Foreign Affairs for onward transmission.

The Commission of the European Communities – Vice-President Margot WALLSTRÖM – avails itself of this opportunity to renew to the Permanent Representation of Denmark to the European Communities the assurances of its highest consideration.


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 COMMISSION DES COMMUNAUTÉS EUROPÉENNES
 10 May 2006

Brussels, 05 MAI 2006
SR/is A(06)1482 D(06)1068

Per Stig Møller
Minister of Foreign Affairs
Royal Danish Ministry of Foreign Affairs
Asiatisk Plads 2
DK - 1448 Copenhagen K

Excellency,

Thank you for your letter dated 4 April 2004 regarding the deadline for transmitting draft implementing measures to the Member States in advance of comitology committee meetings.

I understand the importance of your request and the Commission is certainly prepared to consider improvements in the transparency of the work of the comitology committees within the current legal framework, especially when it comes to giving the national Parliaments a possibility to examine draft implementing measures elaborated by the Commission services.

As you mention, the delay of 14 calendar days is one of the key elements agreed on between the Council and the Commission in declaration N° 4 to Council Decision 1999/468/EC¹.

The delay was also included in the Standard Rules of procedure for the comitology committees, adopted by the Commission on 31 January 2001². It seems to be a reasonable compromise between the interest of the delegations in comitology committees to receive a draft as early as possible before the meetings take place, and the necessary time that Commission services need to prepare the implementing measures and their related documents.

To my knowledge, the vast majority of the approximately 250 comitology committees have incorporated the 14 calendar days delay in their specific rules of procedure, adopted on the basis of the Standard Rules of procedure. Only very few committees have agreed on a longer delay (three weeks).

¹ OJ L 184/23 of 17.7.1999. Unlike the first three declarations, the declaration N° 4 has not been published in the Official Journal together with the Council Decision.

² OJ C 38/3 of 6.2.2001.

As declaration N° 4 states that the delay for transmission of draft implementing measures in advance of a committee meeting should be “at least” 14 calendar days, there is - in principle - no legal or institutional obstacle to extend this delay to more than 14 days, as you propose.

However, since an extension of the delay³ to 28 days would inevitably have serious impacts on the workflow of the committees, I am not in the position to make a general commitment on behalf of the Commission at this stage.

The matter will require further examination and consultation within the Commission. This could be done in the context of the revision of the Standard Rules of procedure which is indeed foreseen for later this year.

All other Member States would directly or indirectly be affected by the suggested extension of the delay, in particular with regard to the ongoing negotiations on a revised regulatory procedure as the core element of the amended proposal COM (2004) 324 and the urgency procedure foreseen in that context. Therefore the matter should - in my view - also be discussed in the Council.

As you know, this Commission sees its relations with the national parliaments as an important priority. We continuously try to improve our working methods, with an aim to facilitate the important scrutiny work carried out by the national parliaments. You can therefore rest assured that your suggestions will be taken into serious and forward looking consideration.

Yours sincerely,



Margot WALLSTRÖM

³ To note that an extended delay with regard to the transmissions to the Member States delegations would then apply also to the transmissions to the European Parliament (EP), as the Bilateral agreement between the European Parliament and the Commission on procedures for implementing Council Decision 1999/468/EC provides that the EP receives “at the same time as the members of the committees...the draft agendas for committee meetings...” (point 1.), see OJ L 256/19 of 10.10.2000.