

José Manuel Barroso
President of the European Commission

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Dear President Flahaut and Mr Mahoux,

During the XLIV COSAC held in Brussels on 24-26 October 2010, due to the problems with the interpretation and the interruption of the debate, we could not discuss the points some Members raised in reaction to my speech. As you may recall, I invited them to send me their questions or comments in written form, which many of them did.

I have the pleasure to attach my reply and would be grateful if you could forward it to the delegations concerned and also publish it on the COSAC website.

The Commission is looking forward to continue the political dialogue with national Parliaments and is convinced of the crucial role the COSAC is to play in further deepening and intensifying the political partnership between national Parliaments and European institutions. For instance, we believe that focussing future COSAC deliberations also on the European semester and the Europe 2020 strategy would represent a significant contribution of national Parliaments to our joint efforts in fighting the ongoing economic and social crisis.

During the February 2011 COSAC Chairpersons' meeting in Budapest, at which the Commission will be represented by Vice-president Šefčovič, a first exchange of views on possible measures and initiatives in that respect, as well as on ways to involve the COSAC more upstream in discussions on the Commission Work Programme, would represent a first step in the right direction.

Yours sincerely,



José Manuel BARROSO

Copy: Dr. Richárd Hörcsik
Chairman of the Committee on European Affairs
Hungarian National Assembly

Mr André Flahaut
President of the Belgian House of Representatives and
Chairman of the Federal Advisory Committee on European Affairs

Mr Philippe Mahoux
Co-Chairman of the Federal Advisory Committee on European Affairs
Belgian Senate

**Follow-up to the XLIV COSAC meeting
(Brussels, 24-26 October 2010)**

**President Barroso's replies to written questions submitted by Members of the
COSAC**

The European Citizens' Initiative has been introduced within the framework of the Lisbon Treaty. When can the citizens of Europe expect the necessary procedural steps to be implemented? What is the current state of affairs?

(Question by Mr. Pirklhuber, Member of the Standing Subcommittee on EU-Affairs of the National Council)

On 6th December, a political agreement was reached between the three institutions on the final text of the Regulation on the Citizens' Initiative. Following this agreement, the Council agreed on this text on 8th December and the European Parliament endorsed it during its plenary session on 15th December.

The adoption of this Regulation will show European citizens that implementation of the Lisbon Treaty is on track and citizens will soon be able to start using this new instrument of participatory democracy.

As regards the entry into force of the future Regulation, the final text foresees a 12-month period before the application of the Regulation in order to allow the Member States in particular to prepare and take the necessary measures. Citizens will only be able to launch and register initiatives after entry into force.

For your second election term you have announced that the right of self-determination on the GM-free regions in Europe should be facilitated. By when do you expect that the corresponding legally binding measures will be put in place? What further steps are exactly planned in this regard?

(Question by Mr. Pirklhuber, Member of the Standing Subcommittee on EU-Affairs of the National Council)

In my political guidelines for the new Commission delivered on September 2009, I referred to the possibility to combine an EU authorisation system based on science with the freedom of Member States to decide whether or not they wish to cultivate GMO crops on their territory.

This commitment was taken forward by the adoption by the Commission, on 13 July 2010, of a package on GMO cultivation.

This package comprises first a Commission Recommendation on guidelines for the development of national co-existence measures to avoid the unintended presence of GMOs in conventional and organic crops¹ which recognises the possibility to establish "GM free areas". While this provision does not provide a legal basis for an administrative entity of a Member State to declare itself GM free, it recognises that, under certain economic and natural conditions, GMO cultivation can be excluded from certain areas to avoid unintended presence of GMOs in other crops. This possibility has to rest on the demonstration by the Member State concerned that for those areas, other measures are not sufficient to achieve the objective pursued.

In complement to the Recommendation, the Commission also adopted a proposal for a Regulation of the European Parliament and of the Council amending Directive 2001/18/EC as regards the possibility for Member States to restrict or prohibit the cultivation of GMOs in their territory². This proposal provides the possibility for Member States to adopt measures to restrict or ban the cultivation of GMOs, in all or parts of their territory for reasons that are not linked to the assessment of the risks posed by GMOs on health and environment. Where the constitutional arrangements within a Member State attribute to regional entities the competence to act in this matter, this Regulation could be used by these entities to declare themselves GM free, provided that all the conditions foreseen in the amended Directive are met. In all other cases, the assessment of whether the GMO cultivation has to be banned or not, in specific parts of the territory or in the whole of it, will have to be done at national level. This proposal is currently under discussion by the European Parliament and the Council.

¹ OJ C 200, 22.7.2010, p. 1-5

² COM (2010)375

The members of the European Affairs Committee of the Cypriot Parliament express their deep concern regarding the fact that the measures taken by the governments so far with the aim of addressing the crisis have created extremely strong reactions amongst EU citizens. The Question raised is: whether the new package of legislative measures on the economic governance will be less offensive to the citizens, long-term and prudent as to avoid the phenomena mentioned.

We consider of high importance that the citizens are informed what caused the global economic crisis and that they receive assurances that once the cause is discovered, the mistakes of the past will not be repeated.

Only in this way we believe that we will be able to reassure the people and secure their cooperation in taking measures to address the crisis.

In conclusion, we would like to emphasise the importance we attach to the cooperation/contribution of the citizens in taking the necessary measures for both the economic recovery and at the same time, for further widening of the democratic deficit.

(Question by the Mr Nicos Cleantous, Chairman of the Standing Committee on European Affairs)

The crisis has revealed three main challenges for our economies: (i) the financial sector, (ii) economic growth and (iii) public finances and macro-economic imbalances such as large current account deficits or bubbles in housing markets. This triangle of challenges interacts. To break the negative feedback loop the EU needs to put in place a strong yet prudent framework addressing all three sides of the triangle. This is what is now under way.

To strengthen the stability of our financial system, the EU has agreed on a complete new architecture for financial regulation based on four priorities: the development of a more efficient supervisory response, more and better capital in the banking system, the extension of the perimeter of regulation and supervision and the completion of the tools needed to ensure financial stability.

To boost the EU's growth potential, the Europe 2020 strategy brings together reform efforts in areas such as labour and product markets, innovation or education while at the same time incorporating in full goals like climate change and social inclusion.

Finally, to address the challenges related to public finances and macro-economic imbalances, the European Commission has proposed a comprehensive package of legislation. The package includes proposals to address excessive debt more seriously than in the past by defining a satisfactory pace of debt reduction. It also proposes minimum requirements to ensure that national fiscal frameworks are in line with Treaty obligations as well as a monitoring system for macro-economic imbalances. Finally, to ensure the credibility of the new framework, the Commission proposes a wider range of sanctions for Euro-area Member States, that would already start kicking in at an early stage.

The proposed legislation will help Member States to follow disciplined policies and to avoid mistakes made in the past. It lays the basis for a stable, long-term growth performance which is critical to Europe's citizens, while making an important contribution to the prevention of future crises to provide stability for citizens.

It is these actions together – the new financial architecture, the Europe 2020 Strategy and the proposals to strengthen fiscal surveillance and monitor imbalances – that will provide Europeans with the assurance that we have learnt from our experiences and will ensure a stronger Europe for the future.

Can you tell us when the Commission expects to publish a consultation document on the future of Europol and Eurojust, and what the important parliamentary oversight and evaluation of the two bodies should look like?

Can you also explain why the Commission only intends to submit legislative proposals for Europol and Eurojust in 2013 or 2014?

(Question by Ms Meldgaard, Chairman of the Danish European Affairs Committee)

The 2008 reform of Eurojust³ is to be transposed into Member States' national laws by 4 June 2011. Before making proposals on the basis of the Lisbon Treaty, the Commission will focus on the implementation of the Council decision. In the meantime, the Commission is launching a study on the strengthening of Eurojust, the outcomes of which are expected by end 2011. This study will also deal with possible options for the evaluation of Eurojust's activities, as well as with the involvement of the European Parliament and national Parliaments. The Commission will consider legislative proposals after careful analysis of this study.

Regarding Europol's current legal basis, Council Decision 2009/371/JHA from 6 April 2009 replacing a Convention and establishing Europol as an EU agency, has only been in application since 1 January 2010. There is a need to properly reflect on the impact of the current Council Decision on Europol's activities before considering any proposal for Europol's future legal framework. This was set out in a letter dated 19 April 2010 from Commissioner Malmström, which also contained a roadmap for the preparation of a future legislative proposal on Europol. Europol's future regime is the subject of ongoing reflection, led by the Commission and involving key institutions and stakeholders. It is crucial that any future regulation for Europol is well thought-through and takes into account an evaluation of work under the current legal basis.

As indicated in the Commission's Action Plan Implementing the Stockholm Programme, the Commission has adopted a Communication on the parliamentary scrutiny of Europol's activities by the European Parliament and national Parliaments. All stakeholders, including national Parliaments, will be invited to make concrete proposals as to how effective mechanisms of parliamentary scrutiny can be put in place.

³ Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust

The Danish mortgage system has proved very stable during the financial crisis. While some bond markets closed around the world, the sale of Danish mortgage bonds continued without problems, even when the crisis was at its highest in autumn 2008. The crisis provided a strong test that showed that Danish mortgage bonds are just as liquid as government bonds - and that applies regardless of the bonds' maturity.

Can you confirm that the Commission will, in the revision of the Capital Requirements Directive and in the implementation of the Basel Committee's proposals, pay the necessary attention in order to ensure the preservation of the functioning of the Danish mortgage system?

(Question by Ms Meldgaard, Chairman of the Danish European Affairs Committee)

The services of the Commission currently working on strengthened banking prudential legislation are aware of the particularities of the Danish Krone capital market and the Danish mortgage system. The Commission will give due consideration to the concerns raised by Danish stakeholders in the context of the future liquidity standards.

In improving financial regulation and reducing the risk of financial crisis, we need to fill gaps and address weaknesses in a forward-looking manner, tackling both the weaknesses that have been demonstrated in the crisis and those that could materialise in the future. Covered bonds and most parts of European mortgage financing have indeed proved resilient in the crisis. We should clearly draw lessons from this positive experience and preserve the strengths of these markets. That said we must keep in mind that in financial markets, stability can never be taken for granted, even after long periods of resilience.

What would you think of taking another step towards improved cooperation between the Commission and the national parliaments? Such an initiative could include:

- **Greater cooperation on the Commission's annual legislative program - including consultation prior to submission of the program.**
- **Ad hoc joint meetings on major legislative initiatives or proposals which cause problems in a number of national parliaments?**
- **Better ongoing information on the submission, processing and implementation of EU legislation.**

(Question by Ms Meldgaard, Chairman of the Danish European Affairs Committee)

I have always promoted the strengthening of the political relationship between the Commission and national Parliaments and will continue to encourage an intensification of our exchanges and contacts. This includes of course possible ad hoc meetings on major legislative initiatives or proposals, where national Parliaments feel a particular need for further clarification and discussion.

Apart from those areas in which the Treaty already confers new responsibilities to national Parliaments, I clearly see scope for a potentially more active role of national Parliaments in a number of areas, such as economic governance, and in particular integrated surveillance in the context of the European semester; the scrutiny of the implementation of the EU budget at Member State level; and transposition of EU Directives into national law, with a particular focus on the question of correlation tables; as well as the Commission's Work Programme and future programming more generally.

On programming, I would like to reiterate the importance of maintaining a continuous dialogue between the Commission and national Parliaments on the Commission Work Programme. In our view, national Parliaments should be involved in the strategic planning process and their voice should be heard also upstream, not only downstream. This is why the Commission strongly encourages national Parliaments to share their views on future legislative and policy priorities, and to do so in time to feed into the preparations for the State of the Union speech in September and the following Commission Work Programme. National Parliaments would thus be in a position to contribute to building a consensus on where the EU should focus its policy for the upcoming year.

In this context, I would like to draw your attention to the fact that the Commission Work Programme provides a helpful overview of the Commission's strategic planning not only for the following year but also for the years to come, with the current work programme providing a clearer indication of what the Commission sees as likely initiatives until 2014. This multiannual perspective could therefore be used by national Parliaments as a strategic tool, allowing them to be more aware of what the Commission plans to do and when.

On 27 October, the Commission presented its long-awaited response to how we can revive the internal market, in order to accelerate growth and create more jobs in Europe. Will you explain why you did not even put yourself in charge of such an important project for reforming the internal market?

(Question by Ms Meldgaard, Chairman of the Danish European Affairs Committee)

The question of the re-launch of the Single Market is not a question about who should be on the front stage and who should not. The Commission is a collegiate body. We adopt all our decisions, together, as a College. I first set out ideas in this area in my political guidelines of September 2009, but the draft Single Market Act which was adopted at the end of October is our common project. It is the result of an excellent team work. I am fully committed to it, and will work, together with my fellow Commissioners, to ensure a successful next stage in 2011.

The Baltic Sea is a European inland sea and its waters are relatively low and cold. This means it is very sensitive to environmental pollution. The ecological situation of the Baltic Sea is poor: the sea is severely eutrophic, the water is turbid, alga is common and there are large low-oxygen areas and dead zones.

By far the most serious reason of the nutrient pollution (nitrogen and phosphorus) is the EU agriculture. The agri-environmental subsidies which are widely used in Finland have not notably succeeded to reduce eutrophication. We need more effective measures.

The common agricultural policy of the EU will be reformed before the end of the year 2013. When doing this, it could be possible to include a special "Baltic Sea dimension" to the CAP subsidies. The agri-environmental subsidies of the coastline Member States by the Baltic Sea could be directed to the measures which more effectively would prevent the eutrophication. This kind of special Baltic Sea subsidy would fulfil the objectives of the EU's Baltic Sea strategy.

Would you be ready to take this approach forward together with the CAP reform?

(Question by Mr Juurikkala, Member of the Finnish Parliament)

The issue you raise is indeed very important, and is already a core element of different macro-regional initiatives and action plans. You link the environmental problems of the Baltic Sea to farming practices in the Baltic region. There is no doubt that agriculture plays significant role for the environmental state of the Baltic Sea. However, agriculture is far from the only activity contributing to the eutrophication. To focus solely on agriculture would not be sufficient to address and improve the environmental state of the Baltic Sea.

At EU-level, the European Commission presented in June 2009 the Strategy for the Baltic Sea Region which was endorsed by the Council in October 2009 during the Swedish Presidency. The action plan accompanying the Strategy comprises 15 priority areas of which the first one is "To reduce the nutrient inputs to the sea to acceptable levels". Action area number 9 is "To reinforce sustainability of agriculture, forestry and fisheries". Coordination of the implementation of the priority areas has been allocated to the 8 Member States of the Baltic region. Priority area 1 is coordinated by Finland and Poland, and Priority area 9 is coordinated by Finland in collaboration with Lithuania and Sweden.

You indicate that the agri-environment support provided in Finland under the Rural Development Policy of the CAP has not been effective in reducing the eutrophication. In line with what I mention above, the agri-environment measures can only make a contribution to reduce eutrophication, but cannot alone solve the problem. The effect of agri-environment measures can only be demonstrated over a certain period of time. The Commission is informed that Finnish national studies of these measures do confirm a positive impact on the losses of nutrients to the inland water resources and the sea.

The Rural Development Policy provides an overall strategy for the objectives to be pursued at EU level. This Strategy is implemented in each Member State or region through rural development programmes which are tailored to meet, within the overall strategy, the specific national or regional needs and challenges. The EU provides the toolbox, but implementation is at a more local level.

You propose a "Baltic Sea dimension" to the CAP subsidies. I believe the CAP should remain a common policy at EU-level with one set of rules and tools applicable throughout the territory of the Community.

However, I would agree that the Member States in the Baltic region should work together in formulating agri-environment objectives and measures for the next programming period and thereby work towards achieving the same environmental aims for the Baltic Sea. This is exactly the basic idea of the Strategy for the Baltic Sea Region and fully in line with the HELCOM Baltic Sea Action Plan. I can only encourage the Finnish Parliament to support and take part in this work.

How do you envisage that the relationship between the Council, the Commission, the European Parliament and the National Parliaments can be further strengthened in a meaningful manner for all stakeholders and how can this be translated to the common European citizen?

(Question by Rt Hon Francis Agius, Member of the Foreign and European Affairs Committee of the Maltese parliament)

The distance between people and politics is one of the main challenges of the European Union, despite the fact that the EU has full democratic legitimacy. The Lisbon Treaty marks the final point of a ten-year process of institutional reform. The starting point was the *Laeken Declaration* of 2001. The declaration listed the main objectives of the envisaged reform process: Reinforcing democracy and transparency in the institutions and closing the gap with European citizens.

We can say that one year after the implementation of the Lisbon Treaty we are on the way to meeting these objectives. A key rationale of the Treaty of Lisbon has always been to strengthen *all* of the institutions and, by doing so, strengthen the Union as a whole.

The European Parliament's position has been strengthened with regard to legislative and budgetary procedures.

The European Council has been granted the status of a genuine EU Institution. The meetings of the Council are public, when legislation is adopted.

National parliaments have become more involved in many different ways, including the "subsidiarity control mechanism."

In addition, the Citizen's Initiative will allow European citizens to raise their voice on matters and invite the Commission to make proposals which they feel are of importance. The Commission welcomes the recent agreement on the Initiative and looks forward to implementation from the end of next year.

The post-Lisbon balance sheet also shows a clear gain from the Lisbon Treaty in terms of *inter-institutional cooperation*. The renewed framework agreement between the European Parliament and the Commission reflects the special partnership between both institutions. As regards the European Council, I have established close and fruitful working relations with its President, Herman van Rompuy, especially during this period, characterised by financial and economic difficulties, which sometimes requires speedy decisions and reactions. A fruitful cooperation between EU Institutions (including the European central Bank), is vital to realising the EU's objectives. Each institution has played its own institutional role and taken on its responsibilities.

The public and the European citizens follow our actions ever more closely. Rapid and intensive media coverage facilitates this. They notice whether the cooperation among EU Institutions works well or not. But above all they

recognise when the institutions are working well together to deliver results for Europeans.

In particular reference to Malta we are glad that you have always been very supportive but what most Maltese would like to ask you is what is the EU doing in real terms to assist Malta on the illegal immigration issue?

(Question by Rt Hon Francis Agius, Member of zhe Foreign and European Affairs Committee of the Maltese parliament)

The EU is supporting Malta in combating irregular migration in three main ways:

1. through financial assistance;
2. through FRONTEX operations;
3. and through developing cooperation with relevant third countries of origin and transit.