

Reply of the European Commission
to the Contribution of the LVI COSAC
Bratislava, 13-15 November 2016

1. Strengthening the role of national Parliaments in the EU

The Commission welcomes COSAC's acknowledgment of the progress made by the Commission in improving its relations with national Parliaments. Since this Commission took office, members of the Commission have met with national Parliaments on more than 480 occasions, either as part of visits to national Parliaments or meetings in Brussels. The Commission values these direct contacts and aims to maintain this rhythm and improve the dialogue on key Commission initiatives. As part of this direct engagement with national Parliaments, following President Juncker's call during his State of the Union address, many Commissioners visited the national Parliaments they know best to discuss the State of the Union, and further meetings on the Commission Work Programme for 2017 are planned.

The Commission notes COSAC's remark concerning the Commission's responses to national Parliaments' reasoned opinions. As First Vice-President Timmermans explained during the COSAC plenary meeting in Bratislava in November 2016, the Commission endeavours to provide meaningful answers not only to the reasoned opinions issued by the national Parliaments but to also to opinions adopted in the framework of the political dialogue.

The Commission notes COSAC's suggestion that it should respond to national Parliaments' reasoned opinions within eight weeks of receipt. In this regard, the Commission would like to note that it gives careful consideration to all reasoned opinions received before replying, irrespective of whether they trigger the procedure set out in Article 7(2) of Protocol 2 (the "yellow card" procedure). This consideration involves an analysis by the competent Commission services of the specific concerns raised in the reasoned opinions as well as an additional review performed by the Commission's Legal Service and a proper assessment by the relevant Commissioner and the First Vice President to ensure that replies get appropriate political scrutiny before they are formally adopted and transmitted to the national Parliament(s) concerned. In those instances where the "yellow card" procedure is triggered, the Commission has the intention to engage in specific cases where it might be appropriate, in an informal dialogue with national Parliaments before deciding whether to maintain, amend or withdraw its initial proposal. In view of these elements, the Commission is unable to commit itself to replying within such a short deadline if it is to give due consideration to national Parliaments' specific concerns and maintain the highest standards of accuracy. The Commission will however continue its efforts to provide national Parliaments with substantive and political responses in a timely manner and make further efforts to improve the quality of its replies.

The Commission fully supports COSAC's invitation to national Parliaments to use all instruments available to increase their active role in the construction of a European Union for all, and in particular the use of the so-called 'green card' initiatives. As the Commission has confirmed on a number of occasions, most recently in its reply to the COSAC Contribution adopted in The Hague, it remains open to consider joint initiatives from national Parliaments in the future.

Finally, the Commission particularly welcomes COSAC's invitation to all Parliaments to play a more vocal role in communicating EU issues to help bridge the gap between the European Union and its citizens. National Parliaments' active role in the construction of the Union is not unidirectional, as they not only have a role in engaging with EU institutions but also with their citizens, providing them with impartial information and raising general awareness, targeting and adapting the content of the communication to the reality of their constituencies on EU-related issues.

2. The Transatlantic Trade and Investment Partnership (TTIP): a trade agreement between the European Union and the United States (and its challenges, opportunities and risks)

The Commission welcomes COSAC's appreciation of the role trade policy can play in Europe's efforts to shape globalisation. The first task of the EU's trade policy is to give Europeans the opportunity to benefit from the integrated global economy. The Commission shares COSAC's assessment that fairly negotiated, transparent and comprehensive trade agreements with third countries should allow the EU to participate in defining and strengthening international standards, help to increase access for EU companies, including small and medium-sized enterprises, to foreign markets, and help to improve or at least maintain the EU's share of global trade. The Commission agrees with COSAC's assessment that if the EU does not act, international rules will be set by others, or not at all.

The Commission fully shares COSAC's views on the potential for balanced international agreements to generate jobs and growth. Today, 31 million European jobs, one in every seven, are supported by our exports, while 80% of imported goods are used by businesses in Europe as part of their production. The Commission fully agrees with COSAC that trade policy is not only about economic interests, but also about values and standards of protection, which is reflected in the Comprehensive Economic and Trade Agreement (CETA) we recently agreed with Canada and which for example sets a new global standard for sustainability commitments in trade agreements. CETA also shows that one can enter into a trade agreement with a third country while avoiding detrimental interferences with public services, including at the municipal level.

The Commission welcomes COSAC's acknowledgement of the efforts made to improve the transparency of EU trade negotiations. The Commission has, in line with its 'Trade for All strategy', extended its newly developed transparency practices in TTIP to all trade negotiations conducted by the European Commission.

The Commission is fully committed to ensuring that trade negotiations fully respect the principles of freedom, democracy, rule of law, dignity and social cohesion, and that the European social and regulatory model is fully respected. The Commission will ensure that no trade agreement will lower levels of regulatory protection; that changes to levels of protection will always be upward; and that the right to regulate will be protected.

The common commercial policy is subject to the ordinary legislative procedure, ensuring the full involvement of the European Parliament and the Council in the decision-making process. Trade agreements negotiated by the Commission require the approval of the European Parliament and the Council and, in case of mixed agreements, are subject to domestic ratification procedures. The Commission has in recent practice always sought the consent of the European Parliament prior to provisionally applying trade agreements, and will continue to do so. Irrespective of the nature of the competence at stake, the Commission has actively engaged national Parliaments and civil society on EU trade policy. Commissioner Malmström has visited 22 national Parliaments and will continue her active engagement with national and regional Parliaments. The Commission will at the same time continue to urge national governments to be proactive in fostering an informed and balanced debate on the EU's trade policy.

3. 2016: Energy Union's “year of delivery”

The Commission welcomes COSAC's support for the Energy Union framework strategy. The creation of a resilient Energy Union with an ambitious climate policy is one of the Commission's key priorities for the coming years. Building further on the achievements of 2015, which saw inter alia the adoption of new proposals for a strengthened EU Emissions Trading System and Energy Labelling and the second list of Projects of Common Interest, 2016 has been a key year for the Commission in implementing the Energy Union. The Security of Supply package adopted in February 2016 will make a real difference for energy consumers, notably those in the most vulnerable Member States. In July 2016, the Commission adopted two proposals related to emissions outside the Emissions Trading System (the Effort Sharing Regulation) and on how to integrate land use, land use change and forestry as well as a strategy on low emission mobility which are key to achieve the EU's commitments under the Paris Agreement on climate change. Finally, on 30 November 2016, the Commission came forward with the "Clean Energy for All Europeans" package, a set of measures which will ensure that the European Union remains competitive as the clean energy transition is changing global energy markets. The package's legislative proposals cover energy efficiency, renewable energy, the design of the electricity market, security of electricity supply and the governance of the Energy Union. These measures are accompanied by facilitating measures which help Member States to achieve the Energy Union objectives on the ground.

The Energy Union aims at providing EU households and businesses with secure, sustainable, competitive and affordable energy. As regards energy poverty, the package includes specific actions to help Member States mitigate energy poverty, for example by requiring a share of energy efficiency measures to be implemented as a priority in households affected by energy poverty or in social housing. The Commission has

carefully designed the measures in the package to be proportionate and realistic in what can be achieved through EU policy given Member States' responsibility for protecting vulnerable consumers and addressing energy poverty.

The Commission considers diversification of gas supplies, suppliers and routes of paramount importance to the EU's security of supply. It therefore, welcomes the support of COSAC for the gas diversification efforts of the EU aiming at developing the Southern gas corridor, a Mediterranean gas hub, as well as LNG.

The Commission also agrees that enhancing energy security in the EU can only be achieved through meaningful regional cooperation which is addressed more specifically in the legislative proposal on Security of Gas Supply but also through regional initiatives developed in the framework of dedicated High Level Groups.

Regional cooperation is a key building block for the Energy Union to achieve EU-wide market integration and security of supply. It is also central to ensure that the necessary infrastructure and missing links are built.

Several Projects of Common Interest have been identified in order to enable countries' access to natural gas from more than one source and to pave the way for an increased competition on the gas market which should benefit EU consumers. Important progress has been made in this regard, in particular in the Baltic region and in Central and South-East Europe.

In addition, the EU continues its full support to Ukraine's reforms in the energy sector and is fully committed to ensuring that Ukraine remains a stable transit route for natural gas in the future. Existing gas import infrastructure into the EU is sufficient to satisfy import needs in the foreseeable future and we foresee no major demand surge in the coming decades.

As regards electricity interconnection, important progress has also been made, notably through the dedicated High Level Groups, and a number of further Projects of Common Interest are in the permitting phase or being constructed so that the interconnection level of 10% could be reached by all Member States by 2020, except for Spain and Cyprus which will reach the target at a later stage. In addition, the Commission recently set up an Expert Group to advise on the achievement and formulation of the electricity interconnection target for 2030. To provide an additional financial boost, the Connecting Europe Facility has provided financial support to 36 Projects of Common Interest in the years 2014-16 to speed up the achievement of 10% interconnection target.

The agreement in Paris at COP21 was an unprecedented success in fighting climate change. The EU's rapid ratification, which triggered the Agreement's entry into force, is clear evidence of the consensus on the need to implement the Agreement rapidly.

The EU does not start with a blank sheet of paper: as early as October 2014, the European Council agreed the 2030 Climate and Energy Framework, based on three targets for greenhouse gas reductions (at least 40% vs. 1990 levels), renewable energy (at least 27% of final energy consumption) and improved energy efficiency (at least 27%

- which the Commission proposed to increase to 30% as part of the Clean Energy for All Europeans Package). These targets are now integrated in the Energy Union Strategy and serve as the basis for its decarbonisation and energy efficiency dimensions.

The Commission has adopted a full package of legislative proposals to implement the EU's 2030 commitments under the Paris Agreement, including a reform of the Emissions Trading System, the Effort Sharing Regulation setting the greenhouse gas emission reduction targets for Member States for 2030 and a proposal on integrating the land use sector into the EU's 2030 climate and energy framework. These proposals are under consideration by the co-legislators. The measures proposed under the Clean Energy for All Europeans Package will also help Member States to achieve their targets under the Effort Sharing Regulation and their international commitments under the Paris Agreement.

The Commission welcomes COSAC's acknowledgement of the importance of research and innovation for the Energy Union. Based on a commitment of doubling efforts and investment in research and innovation, the Commission has become in June 2016 the 21st member to join the Mission Innovation, a global initiative launched at the COP21 in Paris with the aim of reinvigorating and accelerating public and private global clean energy innovation.

The Commission agrees with COSAC's assessment that the development of innovative low-emission technologies and solutions are key to the EU's competitiveness, as was underlined by its recent Communication on Accelerating Clean Energy Innovation. For this reason, the Commission has strived, through the Integrated Strategic Energy Technology Plan and along with Member States' representatives and research and industrial stakeholders, to set in 2016 targets for the cost reduction and the improvement of performance of a wide range of low carbon technologies.

When it comes to the contribution of transport, the low emission mobility strategy sets clear and fair guiding principles to Member States to prepare for the future and frames the initiatives the Commission is planning in the coming years in this field.

4. Securing the external borders of the EU in the context of irregular migration

Securing and strengthening the EU's external borders is a cross-cutting theme of both the European Agenda on Migration and the European Agenda on Security. It is also among the immediate key operational steps, as reflected in the September 2016 Commission Communication "Enhancing security in a world of mobility: improved information exchange in the fight against terrorism and stronger external borders¹".

The Commission agrees with COSAC that the protection of human rights of migrants, including asylum seekers and refugees must be at the centre of EU actions undertaken in order to solve the migration crisis. The Commission is committed to ensuring that all necessary standards are applied in the management of external borders under the responsibility of the relevant Member States.

¹ COM(2016) 602 final.

With regard to frontline Member States such as Greece and Italy, the Commission would like to draw COSAC's attention to the fact that only relocations are taking place from these countries and no resettlements.

The Commission regularly reports on the progress made in the implementation of the EU-Turkey Statement. The Fourth Report and its Annexes adopted on 8 December 2016² identify continued progress, as well as measures still needed for the implementation of the Statement to be firmly rooted as a stable and sustainable pillar of EU policy. In particular, to ensure full implementation of EU actions under the EU-Turkey Statement and to alleviate the pressure on the Greek islands, a Joint Action Plan has been elaborated with the Greek authorities. The European Council of 15 December 2016 endorsed the Joint Action Plan and called upon all Member States to ensure its speedy implementation.

The Commission welcomes COSAC's call for increased support to frontline Member States and recalls the progress made since the implementation of the Agenda on Migration and particularly the hotspot approach. In this context, additional support by Member States in the form of deployment of experts under EASO/Frontex calls or pledges for relocation is welcome in addition to the EU technical and financial support provided, including through the deployment of Commission experts on the ground. Greece and Italy are both in need of support as main entries for the main flows of migrants reaching the EU.

With regard to border management, the Commission would like to underline the efficiency of the hotspots approach as a supporting border management tool for frontline Member States facing exceptional migratory pressure at external borders. With the support of EU agencies, hotspots streamline the processing of migrants towards the relevant channel (asylum process including relocation and return). In addition, the Commission considers that the full and rapid implementation of the European Border and Coast Guard Regulation is one of the key building blocks for restoring and sustaining an effective management of the external borders and the well-functioning of the Schengen area. The Commission works very closely together with the Agency and Member States to achieve the full and rapid implementation of the Agency new mandate.

The Commission is striving to restore a fully functioning Schengen area as soon as possible, in line with the Commission's commitments in the Back to Schengen Roadmap, while giving full support to Member States facing difficult circumstances. Six Schengen States have reintroduced temporary border controls at internal borders which are currently in place: France until 26 January 2017 on grounds related to terrorist threats; Germany, Austria, Denmark, Sweden and Norway until 12 February 2017 based on the Council Recommendation of 11 November 2016, in relation to secondary movements of irregular migrants originating in Greece.

² COM(2016) 792 final.

The Commission welcomes COSAC's support for the Schengen Information System - Automated Fingerprint Identification System, which will greatly enhance the law enforcement community's ability to identify notably wanted and in some cases also missing persons.

On 16 November 2016 the Commission adopted a legislative proposal for the creation of the European Travel Information and Authorisation System (ETIAS) and published the feasibility study for ETIAS. ETIAS will be an automated IT system to identify risks associated with a visa-exempt visitor travelling to the Schengen Area. All visa-exempt third-country nationals who plan to travel to the Schengen area will have to apply for travel authorisation through the system prior to their trip. The information gathered via the system, in full respect of fundamental rights and data protection, will allow for advance verification of potential security, irregular migration or public health risks.

In order to decide whether to issue or reject a request to travel to the EU, the system will conduct prior checks and either issue or refuse a travel authorisation. Although the final decision to grant or refuse entry will always be taken by the national border guards who are conducting border controls under the Schengen Borders Code, prior verification of visa exempt third-country travellers will facilitate border checks and ensure a coordinated and harmonised risk assessment of third-country nationals and substantially reduce the number of refusals of entry at border crossing points.

The Commission takes note of COSAC's request for swift discussions in the European Parliament on the Entry-Exit System (EES) proposals.

The Commission would in this context also like to clarify that the Registered Travellers Programme (RTP) that was part of the 2013 legislative package for Smart Borders is not part of the April 2016 package which consists of (1) an Entry-Exit System and (2) an amendment to the Schengen Borders Code. Instead of maintaining an RTP, in the April 2016 revised legislative proposals the Commission instead suggests the possibility for national facilitation programmes to be established. Provisions for such national facilitation programmes are part of the legislative proposal for an amendment to the Schengen Borders Code.
