



EUROPEAN COMMISSION

Brussels, 20.04.2015

C(2015) 2351 final

Dear President,

The Commission would like to thank the Senát for its Opinion concerning the Commission's proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU, Euratom) No 883/2013 as regards the establishment of a Controller of procedural guarantees {COM(2014)340 final}.

The Commission welcomes the general support of the Senát for the proposed Regulation.

The Commission notes the Senát's concern that the independence of the Controller could be weakened as the Controller would have information about all upcoming investigative measures concerning members of EU institutions, with the risk that this could give the Controller the possibility of influencing individual cases.

In that regard, the Commission would like to underline the safeguards foreseen under the proposed Regulation. The Controller will be a qualified legal expert, and this post entails functions normally entrusted to persons appointed to judicial office and able to perform their duties in complete independence. The Controller will be required to exercise his duties in complete independence and not to take instructions from anyone. The proposal also provides that if the Controller were to be found guilty of serious misconduct, he could be relieved from his duties (see the proposed new Article 9c(3) of Regulation 883/2013).

As regards the cost and staffing issues, the Commission would like to point out that the proposal provides that the human resources appropriations required should be covered by the Commission's budget allocation. If the co-legislators were to decide to allocate additional resources to the Controller, the question of how to meet these budgetary needs would have to be further addressed by the co-legislators.

The points made above are based on the initial proposal presented by the Commission which is currently in the legislative process involving both the European Parliament and the Council in which the government of the Czech Republic is represented.

*Mr Milan Stech
President of the Senát
Valdštejnské náměstí 17/4
CZ – 118 01 PRAGUE 1*

The Commission hopes that these clarifications address the issue raised by the Senát and looks forward to continuing our political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Kristalina Georgieva
Vice-President*