

**Reply of the European Commission
to the Contribution of the XLIV COSAC
Brussels, 24 – 26 October 2010**

Sustainable development in the EUROPE 2020 Strategy

The Commission welcomes the overall support of COSAC for the Europe 2020 strategy and notes its comments on the implementation of the strategy.

The Europe 2020 strategy offers a strong, co-ordinated, European framework of future-oriented measures. A framework that focuses on citizens; that makes the most of the Single Market; that finds new sources of growth, based on innovation, sustainability; that makes Europe more agile, more flexible and more resilient

The Commission underlines that the Europe 2020 strategy has set a limited number of 5 EU headline targets on employment, R&D, climate change, education and social inclusion. These targets are translated by Member States into national targets, taking into account their specific circumstances and starting position. They will help us monitor progress towards the main priorities of the strategy: smart, sustainable and inclusive growth. In addition, the Europe 2020 strategy coordinates with other EU initiatives through its 7 flagship initiatives, 5 of which have already been launched.

Energy security is an important element of Europe 2020. The energy and climate targets will spur energy security as they encourage a broadening of energy sources, more efficient allocation through better networks, more reliance on renewables and energy savings. In recent years the EU has mainstreamed the objective of sustainable development into a broad range of its policies. The Europe 2020 strategy integrates the EU lead in the fight against climate change and the promotion of a low-carbon economy. It will have to play a crucial role in putting Europe on a sustainable path of development. In particular its "Resource efficient Europe" flagship initiative will be important in supporting the shift towards a resource-efficient and low-carbon economy.

Productivity developments are essential for the Europe 2020 strategy – in particular at this time where productivity growth is the main driver of competitiveness and as the contribution from public spending is restrained by the need for fiscal consolidation.

Last but not least, by integrating specific growth policies with the macro and fiscal regime already enshrined in the stability and growth pact, the Europe 2020 strategy clearly embraces economic governance in Europe and ensures overall coherence of monitoring, assessment and policy recommendations. With the start of the first European Semester in January 2011, Member States will submit simultaneously their National

Reform Programmes and their Stability and Convergence Programmes. This means sharing information about fiscal situations, macroeconomic trends and major policy plans, at the right time to make a difference- before budgetary decisions are taken for the following year- and in full respect of the prerogatives of national parliaments.

Economic governance in the European Union

The Commission welcomes the support of COSAC in appreciating the Commission's proposals to strengthen economic governance and in calling for a fast track approach with regard to their implementation. Of course, the urgency to come to an agreement on the legislation may not in any way take away from its quality. A thorough decision-making progress, in which both the European Parliament and national Parliaments play a key part, must be ensured.

The European Parliament has a prominent role to play in the establishment of the new legislation. It has full co-decision power for four of the legislative proposals including the introduction of new sanctions and the institution of a framework to monitor imbalances and enforce their correction.

National Parliaments should of course make full use of their enhanced role in the EU's legislative process under the Lisbon Treaty and play their respective parts in the determination of national positions with regard to the legislation, which together make up the position of the Council. Furthermore, as Commissioner Rehn recently suggested, a joint conference of the European Parliament with representatives from national Parliaments would be a good occasion for the Commission to present its central strategic policy document, the Annual Growth Survey, in the early part of the new economic governance cycle.

The future role of COSAC

The Commission fully agrees with COSAC on the importance of maintaining a continuous dialogue between the Commission and COSAC on the Commission Work Programme (CWP) and it is aware of the importance for COSAC to have an extensive debate on the CWP as an essential and recurrent part of its agenda. Moreover, in the Commission's view, national Parliaments should also be involved in the strategic planning process and their voice should be heard also upstream, not only downstream.

Therefore, the Commission encourages COSAC to hold a yearly general policy debate during its spring plenary meeting, which would allow COSAC's contribution to be presented in time to feed into the preparations for the State of the Union speech and the CWP. 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.

Cooperation with the European Union institutions

Dialogue with the European Commission

The Commission appreciates the opportunity of having a regular and direct exchange of views with COSAC and is committed to regularly participate in the meetings of the COSAC, either through its President or its Vice President responsible for interinstitutional relations.

In this context, the Commission would like to emphasise that also outside the COSAC context, its contacts and exchanges with national Parliaments have been considerably strengthened over the last months and years, at all levels, and as regards both quantity and quality. The Commission explicitly welcomes this development and encourages a further enhancement of the dialogue and cooperation between both sides.

Framework Agreement between the European Commission and the European Parliament

The Commission maintains that the agreement fully respects the Treaties and the institutional balance.

The Commission will apply the agreed text of the Framework Agreement with rigour. It is confident that this protects in full the rights and prerogatives of each of the Institutions. The recently adopted internal Commission implementing guidelines for the agreement are an effective tool for helping to ensure its coherent application in full conformity with the Treaty.

Eurojust

The 2008 reform of Eurojust 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 such Council decision. In the meantime, the Commission is launching a study on the strengthening of Eurojust, the outcome of which is expected by early 2012. 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.

Europol

Regarding Europol's current legal basis, a 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. The need to properly reflect on the impact of the current Council Decision on Europol's activities in order to formulate any proposal for Europol's future legal framework was set out in a letter dated 19 April 2010 from Commissioner Malmström (see annex), which also contained a road map for the preparation of a future legislative proposal for 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 the evaluation of the current legal basis.

As indicated in the Commission's Action Plan Implementing the Stockholm Programme, the Commission adopted on 17 December its Communication on the parliamentary scrutiny of Europol's activities by the European Parliament together with national Parliaments (COM(2010)776). All stakeholders, including national Parliaments are invited to make concrete proposals as to how mechanisms of parliamentary scrutiny can be put in place.

Querido Juan Fernando,

Revision of Europol's legal basis, in accordance with the Lisbon Treaty

The inter-institutional framework introduced by the Treaty of Lisbon is designed to confer greater democratic legitimacy to the whole area of EU police cooperation.

Article 88 of the Treaty on the Functioning of the European Union provides for a new legal basis for Europol, to be adopted through the ordinary legislative procedure. An important aspect of the future regulation relates to the modalities of scrutiny by the European Parliament, together with national Parliaments, of Europol's activities.

I regard the preparations for Europol's future framework as an exercise of the utmost importance.

As you know, Europol's current legal basis, a Council Decision replacing the Convention, has been applied only since 1 January this year. A lengthy process preceded its adoption and its implementation is still under way. The full impact of both the organizational changes and the operational innovations has yet to be gauged.

I believe it is crucial that the Commission present to the European Parliament and to the Council a proposal which is sound and well thought-through and one which delivers to our citizens a body equipped to better protect them whilst at the same time upholding the highest standards of respect of fundamental rights.

For these reasons, I wish to associate you in the reflections on the preparatory work for the future Europol regulation. It is my intention to launch an informal discussion to exchange ideas which will contribute to enriching the debate on such an important topic. I would also very much appreciate it if the European Parliament would contact the national Parliaments with a view to involving them in this exercise.

The attached road-map outlines how I intend to move forward with your support.

I would be happy to take the opportunity to discuss this matter with you in the margins of the next Plenary Session or of the JHA Council meeting.


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Roadmap for the revision of Europol's legal basis

Issues	Proposals	Timetable
The pre-requisite for a revision of Europol's legal basis	<p>The Europol Council Decision introduces a number of innovations, including an extended mandate of the agency and new powers of oversight for the European Parliament.</p> <p>A revision of this instrument, in accordance with the Lisbon framework, would benefit from an assessment of the impact of the initial phases of operation of the Council Decision. This would be a key input for a future gap/needs analysis.</p> <p>The Council Decision requires an external independent evaluation – to be commissioned by the Management Board - of the implementation of this Decision and of the activities carried out by Europol before 1.1.2014.</p> <p>It is recommended that the evaluation take place early in 2013, when it will be possible to properly measure the <u>impact</u> of the current Decision on Europol's activities and on EU law enforcement cooperation. This will represent an essential component of the preparation of a sound and reasoned proposal for a Regulation.</p>	
The focus of the evaluation and the role of stakeholders	<p>The stakeholders' input will constitute an essential contribution towards the drawing up of the assessment criteria to be used in the evaluation study.</p> <p>The agreed terms of reference should be communicated to an independent external evaluator chosen by common accord of the stakeholders following an appropriate procurement procedure.</p>	<p>It is desirable that the initial discussions among stakeholders take place already before end 2010.</p> <p>The agreed terms of reference should be drawn up in 2011.</p> <p>The selection procedure for the evaluator should take place during 2012.</p> <p>The evaluation work should start at the end of 2012.</p> <p>The results of the evaluation should be delivered during 2013.</p>
Other issues to be addressed in the context of the revision of the Council Decision on Europol	The stakeholders will be invited to make concrete proposals as to how the powers of scrutiny by the European Parliament, together with the national Parliaments, over Europol's activities can be efficiently implemented in practice.	<p>A Commission Communication on democratic scrutiny will be issued in autumn 2010. Based on this key input, the European Parliament, together with national Parliaments, will be invited to make proposals.</p> <p>The Commission proposal for a European Parliament and Council Regulation on Europol should be issued before the end of 2013.</p>