

Directorate-General for Internal Policies of the Union
Directorate for Citizens' Rights and Constitutional Affairs
Secretariat of the Committee on Legal Affairs
Secretariat of the Committee on Constitutional Affairs

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Antonio TAJANI
Chair
Conference of Committee Chairs
PHS 08B043
Brussels

Dear Mr TAJANI,

The Committee on Legal Affairs (JURI) and the Committee on Constitutional Affairs (AFCO), in accordance with Rule 125 of the Rules of Procedure of the European Parliament, held a public hearing on Monday 30 September 2019, with Maroš Šefčovič, Vice-President-designate, who, subject to the positive outcome of the nomination procedure, will be responsible for Interinstitutional Relations and Foresight.

On 27 September 2019, the Committee on Legal Affairs and the Committee on Constitutional Affairs, pursuant to Rule 125 of the Rules of Procedure and Article 2 of Annex VII thereto, received the letter by the JURI Committee regarding the scrutiny of the declaration of financial interests of Mr Maroš Šefčovič.

Prior to the hearing, Parliament had sent the Vice-President-designate a list of written questions. Our committees noted that Mr Šefčovič answered those questions and dealt with the priorities outlined satisfactorily.

The course of the hearing

Mr Šefčovič opened the hearing by making a statement in which he referred to the following:

- The need for a stronger European Parliament and his intention to take the Commission's cooperation with the Parliament a step further to consolidate a special partnership with it, and thus help improve democratic legitimacy in Europe.
- This special partnership will also apply more fully through the policy cycle, to include evidence gathering and foresight to jointly shape the direction of Europe; a shared priority and agenda setting; a "new right of initiative" and better implementation including through cutting red tape.

- As far as agenda-setting is concerned, he will, in his supporting role to the President-elect in developing the Commission work programme, reach out to the political groups and to the Conference of Committee Chairs in Parliament with a view to adopting the Joint Declaration on legislative priorities between Parliament, Council and Commission.
- He also referred to the adoption of the first-ever Multiannual Programme as foreseen in the 2016 Interinstitutional Agreement on Better Law-Making.
- Regarding the Parliament's "right of initiative", he proposed that in order to fulfil the commitment of President-elect to deliver on Parliament's proposals under Article 225 TFEU, Parliament and Commission engage at the earliest stages of conception of parliamentary resolutions. He proposed to put in place an early warning mechanism to ensure constant dialogue between the Commission and the Parliament. He personally committed to ensuring that parliamentary resolutions are discussed at College level and that a political response will be given to them.
- He would ensure that Parliament plays an active role in the Conference on the Future of Europe.
- He referred to reviving discussions on pending institutional files, in particular Parliament's right of inquiry. He is ready to engage in trilateral discussions in this regard.
- In connection with international negotiations, he committed to working with the relevant Commissioners to ensure that Parliament is regularly briefed, notably before major events and at key stages of negotiations.
- He acknowledged the importance of petitions as a means to detect breaches of Union law. He committed to working closely with the PETI Committee and attending its presentation of the annual report.
- He committed to advancing the Better Regulation agenda further. He proposed that the REFIT platform is rebrand to a Fit for Future Platform to ensure that our legislation is fit, for example, for e-government and digitalisation. He would report to the Parliament on the platform's findings.
- He supported active subsidiarity as a means to do away with the idea that everything is decided in Brussels without properly listening to those who would be in charge of the transposition, implementation and application of EU law. He referred to strengthening the means by which local and regional authorities can inform the Commission of the burden experienced when applying EU legislation. He would involve in this work the Committee of the Regions and the European Economic and Social Committee.
- He committed to engaging more actively with Member States so that they do not unnecessarily introduce measures beyond what is required by EU legislation ("gold-plating").
- He plans to visit all National Parliaments in the first two years of his mandate to give more value to their important work when it comes to active subsidiarity and proportionality and will discuss with them the Multiannual Programming.

- He would apply the “one in, one out” principle in all areas, but that he would not follow a mechanical approach and would not put in danger EU high standards, particularly social and environmental.
- He would propose that the Union strives for world-class anticipatory governance, building foresight capacity inside the Commission to serve the Union’s policy goals. His intention is to mobilise resources of the Joint Research Centre and to set up an EU Network of Strategic Foresight, bringing together the best of EU institutions and the Member States.
- He committed to exploring with the Parliament and the Council the setting up of a “Common Evidence Register” open to the public where the institutions would share the evidence used in legislative proposals.
- He would prepare a yearly foresight report on the most relevant emerging trends that would inform the State of the Union speech and the Commission’s programming exercises.

The introductory statement of Mr Šefčovič was followed by a first round of seven questions from representatives of each political group and a second round of 18 questions by Members, including also a representative from the non-attached Members.

During the course of the hearing, Members asked questions on the following subjects in particular:

- the principle of “one in, one out” and their concern that it should not be applied in an automatic fashion and that it should not undermine high European standards, particularly social and environmental; the importance, in this connection, of involving all stakeholders;
- the specific role of Parliament in the Conference on the Future of Europe;
- the implementation of the Interinstitutional Agreement on Better Law-Making and the possible participation of the Council in the Framework Agreement;
- the “common evidence register” and the steps Vice-President-designate intends to take in order to involve all the institutions in making public all evidence available;
- how to better involve citizens in the legislative process;
- the “subsidiarity check” and the importance of taking the opinion of national parliaments seriously;
- the importance of gender mainstreaming, gender equality and the fight against gender-based violence;
- the exercise of delegated and implementing powers by the Commission and the need to ensure independent expertise in this regard;
- the role of the Regulatory Scrutiny Board and its staff and means capability;
- the need to increase transparency of the legislative process, particularly in the Council;
- the need for a prompt consideration of petitions;
- artificial intelligence and its implications for data protection, e-privacy, fundamental rights and the importance of an ethical approach to AI and new technologies;
- the European Battery Alliance;
- the need for Parliament to have adequate tools to fully exercise its right of inquiry;
- the Transparency Register and the need to reinforce its compulsory application;
- the need to move from unanimity to qualified majority voting in the Council (“passerelle clauses”) in order to legislate faster, particularly in areas in which efficient action is needed;
- the need to set up an ethical committee which would be common to all institutions;
- the transposition and implementation of EU law and Member States’ obligations.

In his replies, Mr Šefčovič made specific commitments regarding his future action as Vice-President, in addition to those made in his opening statement:

- He committed to discussing with the Presidencies of the Council the possible participation of the Council in the current Framework Agreement between the Parliament and the Commission.
- He assured Members that the “one in, one out” principle would aim at reducing administrative burden for small- and medium-sized enterprises and citizens, and that its application would not be automatic and would not undermine social and environmental standards and fundamental rights, especially when it comes to new technologies, such as the AI.
- He committed to ensuring that sustainability would also be included in impact assessments.
- He committed to discussing with and bringing together Presidencies of the Council and the relevant EP interlocutors to help find a workable framework for Parliament’s right of inquiry.

Before the end of the hearing, the Vice-President-designate made a brief closing statement in which he reaffirmed his intention to further reinforce the Commission’s special partnership with Parliament and to strengthen the European Union’s role as a major geopolitical actor.

On the basis of the responses of the Members present at the hearing, as well as the comments made by our committees’ coordinators, who met in camera after the hearing under our chairmanship, we hereby give the following assessment:

The coordinators of both committees consider that Mr Šefčovič enjoys the personal qualifications needed to properly perform the duties of Vice-President for Interinstitutional Relations and Foresight.

Mr Šefčovič has shown an unquestionable European commitment and has fully demonstrated his ability to communicate and to take initiatives.

The coordinators welcome the commitments made by Mr Šefčovič in his written replies, his opening statement and in his replies to Members, in particular with a view to cooperating with Parliament, and positively assess his aptitude as regards the specific policy areas for which he has been designated.

During their meeting, coordinators stressed the importance of the following aspects:

- applying the “one in, one out” principle in a non-automatic manner;
- being transparent in contacts with media;
- publishing all expert evidence and impact assessments in the future Common Evidence Register;
- deepening the dialogue with European citizens and SMEs as part of the legislative process, so that the voices of our citizens and businesses are heard and they feel to be taken seriously;
- involving citizens in the Conference on the Future of Europe;

- reinforcing relations with the national parliaments to avoid gold plating in the implementation of EU law, while maintaining the high European standards on health, environment and climate;
- using the rebranded Fit-for-Future REFIT platform to identify and abolish obsolete, analogue-only and unnecessary legislation;
- using the strategic foresight to keep the EU at the forefront of technological developments while involving citizens in order to gain their trust, and also with a view to managing climate change;
- ensuring that the lack of transparency in Council, as pointed out in the Ombudsman recommendation from 2017, is addressed.

Opinions of the committees associated with the hearing

As far as the Committee on Petitions is concerned:

In his reply to the written question, the Commissioner-designate highlighted the great value the Commission gives to the contributions of citizens in detecting breaches of EU law. The Commission will pursue the approach of targeting breaches of EU law and handling the cases where no other means of redress are available. The Commissioner-designate stands ready to make sure the Commission continues to observe the standards of good administrative behaviour in its relations with citizens to meet its obligations of good administration when handling complains of petitioners about breaches of EU law. The Committee recalls that many petitions relate to breaches of EU Law and that any breach should be pursued by the Commission.

During the debate, Mr Maroš Šefčovič made the following commitments:

- He is ready to appear before the PETI Members whenever invited, not only in the framework of the annual report discussions but also on a broader scope.
- Should there be a significant number of petitions on the same topic, he will ensure the presence in the committee meeting of the competent member of the College, to listen to the petitioners and seek remedy to the concerns expressed.
- He will work with the Ombudsman and the Finish and subsequent Presidencies to improve transparency in the Council, but failed to reference the Ombudsman's recommendations.
- He gave a strong commitment to strengthen the Parliament's right of initiative.

Mr Šefčovič declared his will to make the Commission comply with the deadlines set for the committee's requests for information, and asked that these requests be limited to the areas in which the responsibility of the Commission is engaged. However, the Committee is ultimately responsible for the admissibility of petitions.

When asked about a more upstream approach to infringement procedures regarding the response to petitions concerning environmental issues, he declared that we will strive for a more forceful approach in areas where the Commission is competent.

The general outcome, as regards the competences related to the area of responsibility of the PETI Committee, is that the candidate showed a positive attitude and a general knowledge of the portfolio and provided satisfactory answers to the questions.

The Committee on Petitions expects that the commitments made by the Commissioner-designate are met in the next five years.

The Committee on Petitions considers that Mr Maroš Šefčovič displayed the aptitude and professional experience that are appropriate for a Commissioner.

As far as the Committee on Industry, Research and Energy is concerned:

The ITRE Coordinators welcome the commitment made by Mr Šefčovič to strengthen cooperation with European Parliament and improve involvement of Parliament in the legislative agenda setting.

Mr Šefčovič committed to develop a new approach to tackle administrative burden through the 'One In, One Out' principle, recognising its importance in particular for small and medium sized enterprises. He said that this principle should not be applied in a mechanical manner and should not put at risk social and environmental standards. The ITRE Coordinators expect Mr Šefčovič to work closely with the ITRE Committee on further clarifying the principle.

He said a special SME filter should be used in the impact assessment process and that he would work together with Parliament to improve the impact that regulatory changes may have on the situation of SMEs. He undertook to look into how the Commission's impact assessment process, in particular with regard to the role and function of the Scrutiny Board, could be linked to and influenced by independent scrutiny bodies in the national systems. He said that the impact assessment process should be modernised and linked with foresight to make legislation more future-oriented. The ITRE Coordinators will insist that Mr Šefčovič strengthens the role of the Regulatory Scrutiny Board and enhances the body's independence.

The Vice-President designate stressed the importance of using an evidence-based approach in policy-making and committed to set up an inter-institutional platform to increase transparency and participation of all stakeholders in the process. He also committed to further strengthening contact with the Joint Research Centre.

The Vice-President designate emphasised the Commission's work on the European Battery Alliance and its contribution to a strong value chain allowing Europe's automotive sector to catch up with Asian competitors and to lead in developing the greenest and most sustainable batteries. The ITRE Coordinators welcome his commitment for an industrial pact based on the model of this Alliance in other areas of Europe's industry. Such a pact with the industry, policy-makers and the financing sector would ensure that the EU is in the forefront of the technologies of the future.

In conclusion, the ITRE Coordinators consider that Vice-President designate Šefčovič is qualified both to be a member of the College of Commissioners and to carry out the specific tasks assigned.

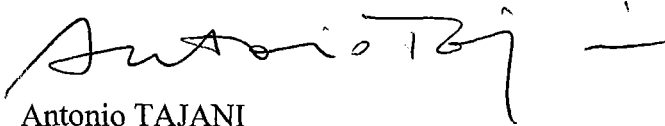
The general outcome of this hearing is that the Vice-President-designate gave a convincing impression of his aptitude to be a member of the College of Commissioners and to carry out the specific tasks assigned to him.

In accordance with Rule 125 of the Rules of Procedure and Article 4 of Annex VII thereto, the JURI and AFCO coordinators unanimously decided to approve that Mr Maroš Šefčovič is qualified both to be a member of the College of Commissioners and to carry out the specific tasks assigned.

Yours sincerely,



Lucy NETHSINGA
Chair of the Committee on Legal Affairs



Antonio TAJANI
Chair of the Committee on Constitutional Affairs