



FRANS TIMMERMANS
First Vice-President

Brussels,

*Mr Malik Azmani
Chair of the Committee on European
Affairs of the Tweede Kamer
Postbus 20018
NL – 2500 EA DEN HAAG*

*Mr Tuur Elzinga
Chair of the Committee on European
Affairs of the Eerste Kamer
Postbus 20017
NL – 2500 EA DEN HAAG*

Dear Mr Azmani, Mr Elzinga,

On behalf of the Commission, I am pleased to send you the Commission's official reply to the Contribution of the LIV COSAC that was adopted in Luxembourg last December.

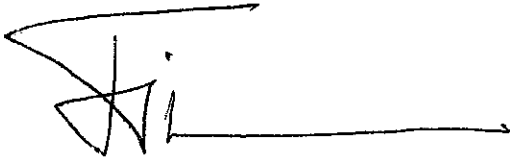
As was well demonstrated by the agenda of the meeting that covered topics as diverse as migration and the Digital Single Market, Europe faces both challenges and opportunities, which we will only be able to tackle or seize if we continue to work closely together.

For the Commission, national Parliaments, as the directly-elected representatives of citizens at the national level, have an important role to play in helping bridge the gap between their constituents and the EU institutions. It is therefore with particular interest that we read the views expressed by national Parliaments in the Contribution, which complement the bilateral exchanges that we enjoy within the framework of the political dialogue.

This Commission is committed to strengthening its relations with national Parliaments as also reflected in the high number of visits that members of College have paid to national Parliaments.

As the Commission Work Programme for 2016 makes clear, we intend to take further steps during this year to build on the foundations we have laid to ensure that national Parliaments have a strong voice in European policy-making. I am confident that the discussions that will take place during the Dutch Presidency of COSAC will make an important contribution to this process.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'FT', with a long horizontal line extending to the right.

*Frans Timmermans
First Vice-President*

*cc.: Mr Marc Angel,
Chair of the Committee on Foreign and European Affairs, Defence, Cooperation and
Immigration of the Chamber of Deputies of Luxembourg*

Reply of the European Commission

to the Contribution of the LIV COSAC

Luxembourg, 29 November – 1 December 2015

1. European Agenda on Migration

Migration continues to remain a fundamental challenge for Europe.

According to the European Asylum Support Office (EASO), the estimated total number of asylum applications for 2015 reached 1,268,698¹ (up from some 650,000 applications for the whole of 2014). According to the European Agency for the Management of Operational Cooperation at the External Borders (Frontex), the number of (detected) illegal border crossings at the EU's external borders in 2015 reached 1,825,538².

The influx of refugees and migrants raises concerns in relation to their management and integration in many Member States. One cannot exclude that the EU will continue to be confronted with sizeable numbers of refugees and economic migrants in the foreseeable future. In order to respond to these challenges, the EU will need to further strengthen its internal and external policies. Protecting the Schengen area of free movement, promoting integration and social inclusion and ensuring the EU remains an areas where its norms and values are respected and people can live in safety are the core objectives.

The comprehensive European Agenda on Migration which the Commission presented on 13 May 2015 is the framework in which the EU is working to address both the immediate needs and more structural challenges in terms of a sustainable management of migration. On this basis, key measures and initiatives have already been adopted.

The measures proposed by the Commission and adopted by the Council on 14 and 22 September 2015 to relocate 160,000 people in clear need of international protection aim to reduce the pressure on the most affected Member States. It is of crucial importance that these measures are now fully implemented. In 2015, among other things, the Commission also proposed to resettle persons in need of international protection from certain priority regions, establish an EU common list of safe countries of origin, increase the effectiveness of returns of irregular migrants who do not have a right to stay in the EU, and enhance the fight against migrant smuggling. The EU's external action and Trust Funds for Africa and Syria play a major role in addressing the root causes of migration.

The Commission also adopted on 15 December 2015 the Borders Package, which proposes the establishment of a European Border and Coast Guard to ensure a strong and shared management of the external borders. To further increase security for Europe's

¹ This figure is an estimate as some MS have not reported any data to EASO for the end of the year period.

² This figure includes some double counting and therefore needs to be used with caution.

citizens, the Commission also proposed the introduction of systematic checks against relevant databases for all people entering or exiting the Schengen area.

The Commission substantially increased financing via the 2015 and 2016 budgets to reinforce the Funds and Agencies in the area of Migration and Home Affairs. The agencies working on migration-related areas in close cooperation with the Member States – namely EASO, the European Police Office (Europol) and Frontex – have been reinforced. The substantial enhancement of the Asylum and Migration Fund (AMIF) and the Internal Security Fund (ISF), in comparison with the amounts initially agreed for the 2014-2020 period, allowed a substantial increase in 2015 in direct and immediate emergency assistance to those Member States that are under most pressure. Emergency assistance available for 2016 has been increased even further. The Commission awarded in 2014/2015 over EUR 182 million in AMIF emergency assistance to Italy, Greece, Cyprus, France, Hungary, Germany, the Netherlands, Bulgaria, Austria, Croatia, Slovenia, Belgium, Finland, Sweden and to the International Organization for Migration (IOM); and almost EUR 40 million under the ISF to Greece, Italy, Hungary, France, Croatia, Slovenia, and the Office of the United Nations High Commissioner for Refugees (UNHCR).

2016 will be a crucial year in which we must demonstrate that the EU and its Member States are able to deliver on their promises. The focus needs to be on a serious strengthening of the implementation process and addressing the weaknesses and gaps in existing EU delivery mechanisms.

The Commission confirms its intention to put forward proposals for a revision of the Dublin system. In view of this, the Commission is currently in the process of consulting relevant stakeholders, including the agencies. The Commission also intends to make proposals for the revision of the Blue Card as well as on Smart Borders, as announced in the Commission Work Programme for 2016³. Reflection is also ongoing on a structured system for resettlement and in particular its articulation with the recommendation for a voluntary humanitarian admission scheme with Turkey which the Commission adopted in December 2015.

2. A Digital Single Market Strategy for Europe

In May 2015 the Commissions launched its Digital Single Market (DSM) Strategy. It consists of 3 pillars with 16 concrete actions designed to improve online access to goods and services, equip Europe with high-performance broadband networks and maximize the growth potential of the digital economy.

The new approach is more focused than the Digital Agenda for Europe. The key objective is to remove regulatory barriers and move from separate national markets to a single digital one. Implementing the DSM Strategy in a coherent manner will enable citizens, businesses and industry to fully exploit cross-border opportunities; spurring growth and create new jobs all over Europe.

³ COM(2015) 610 final

Implementation is well under way. Several public consultations were launched in the autumn of last year on key DSM initiatives ranging from geo-blocking and platforms to ICT standards and e-Government action plan. The Commission has published its proposals on contract rules for the supply of digital content and goods, and on 9 December 2015 it presented a legal proposal on cross-border portability of content and established its vision for how to reform EU copyright rules.

Additional legislative and non-legislative initiatives will be announced as part of the DSM Strategy during the course of 2016.

The Commission agrees with COSAC on the importance of abolishing roaming charges and safeguarding the open Internet. Under the recently agreed telecoms single market package the European Parliament and the Council agreed new rules for roaming and net neutrality; providing clarity and predictability for European consumers and businesses. For the first time the principle of net neutrality has been enshrined in EU law.

Agreement between the co-legislators on the first EU-wide legislation on cybersecurity will be a game-changer in making the EU online environment more secure. Most importantly, the Network and Information Security (NIS) Directive empowers the Commission to adopt implementing acts to make sure there is one baseline for security requirements and notifications of security incidents in Europe.

In its 2016 Work Programme, the Commission has indicated it will promote life-long investment in people, from vocational training and higher education through to digital and high-tech expertise as part of its New Skills Agenda. We will continue to raise skills levels by drawing on existing EU-level initiatives such as the "Grand Coalition for digital jobs" and the "EU Code Week".

The Commission agrees with COSAC that the current VAT system for cross-border business to consumer e-commerce is complicated and as a result is open to abuse. As part of the DSM Strategy the Commission will table a legislative proposal in 2016 to modernise VAT for cross-border e-commerce. The Commission will inter alia extend the current single electronic registration and payment mechanism to intra-EU and third country online sales of tangible goods to final consumers, and introduce a common EU-wide simplification measure (VAT threshold) to help small businesses.

3. European Enlargement policy

The Commission fully agrees with COSAC's clear focus on the areas of rule of law, fundamental rights and public administration reform in the context of accession negotiations. In its Enlargement strategy, which covers the period of the mandate of the Commission, the principle of "fundamentals first" in the accession process is confirmed. The Commission will continue to focus its efforts on ensuring that countries prioritise reforms in the key areas of rule of law, including judicial reforms and tackling organised crime and corruption, fundamental rights, including freedom of expression and fighting discrimination, notably against the lesbian, gay, bisexual, transgender and intersex (LGBTI) community and Roma, and the functioning of democratic institutions including public administration reform.

The Commission will also work on promoting economic development and strengthening competitiveness. This focus on the fundamentals linked to core EU values will be the backbone of enlargement policy under this Commission.

4. Improving the 'yellow card' procedure

Concerning the discussion on possible improvements to the 'yellow card' procedure, the Commission welcomes that COSAC does not envisage any Treaty change in that regard. The Commission takes note of the position of those chambers whose views are expressed in the 24th Bi-annual Report that certain periods should be excluded from the calculation of the eight-week period specified in Protocol 2 to the Treaties during which national Parliaments may issue a reasoned opinion. The Commission's views on this issue are well-known but it notes that discussions continue and the Dutch Troika will present a follow-up on this matter to COSAC.

The Commission values all written communications received from national Parliaments. It has put in place processes to ensure that it provides national Parliaments with substantive and political responses in a timely manner; replies are normally sent within three months from the date of receipt.

5. Introducing 'green cards' (enhanced political dialogue)

As the Commission noted at the meeting of the COSAC Chairpersons in July of last year, it does not have a monopoly on good ideas and is open to suggestions for new or amended legislation. National Parliaments are special interlocutors as representatives of their citizens and therefore their suggestions in this regard are of particular interest to the Commission, as has been seen with the suggestions from a large number of national chambers concerning food waste⁴. The Commission takes note of the efforts of national Parliaments to contribute in a constructive manner to the policy debate by such means and looks forward to continuing discussions on this matter in the context of the regular dialogue.

⁴ http://ec.europa.eu/dgs/secretariat_general/relation/relation_other/npo/united_kingdom/unsolicited_en.htm