CONTENTS

Pages

FOREWORD

On 1 March 2017 the European Commission presented its White Paper on the Future of Europe by 2025[1]. This document explores different approaches for the future of the European Union after the planned exit of the United Kingdom on 30 March 2019. It provides a basis for the political contribution that the Commission must submit to the European Council on the future of the European Union which will meet in Sibiu (Romania), on 9 May 2019.

According to one of the scenarios presented, entitled "Doing Less More Efficiently (scenario 4), the European Union should increase its efforts in certain areas, and at the same time cease acting or intervene less in the areas where its action is perceived as having more limited added value or not having delivered the promised results.

It was with this in mind that on 18 January 2018, the European Commission implemented a Task Force on Subsidiarity and Proportionality[2]. This working group is composed of six members: three representatives from national parliaments appointed by the Conference of Community and European Affairs Committees of Parliaments of the European Union (COSAC) and three representatives from the Committee of the Regions[3]. It is chaired by Mr Frans Timmermans, First Vice-President of the European Commission. Three tasks were assigned to it:

- to determine if the procedures put in place regarding subsidiarity are working and to explore enhancement options;

- to define the areas in which the European Union should intervene and those which should be dealt with at a national and regional level;

- to better involve regional and local authorities in the European legislative process.

The Task Force should report on its findings by the summer. The findings of its work will be fed into the Commission's contribution at the European Council in Sibiu, under the Romanian presidency.

Since the entry into force of the Lisbon Treaty, the national parliaments have been able to develop a certain amount of expertise in the area of subsidiarity. Protocol N° 2 annexed to the treaty gives them the right to scrutinise draft legislative acts in order to verify their compatibility with

---

[1] *White Paper on the Future of Europe, Reflections and scenarios for the EU27 by 2025.*
[2] *Decision of the President of the European Commission (C(2018) 406)).*
[3] *Invited to join the Task Force, the European Parliament did not nominate any representatives.*

the principle of subsidiarity. Regular monitoring has allowed our committee to evaluate the procedure itself and to recommend certain improvements as described in this report.

More broadly, the British referendum on the UK leaving the European Union causes us to reflect on the sphere of activity of the European Union. Although Brexit may reinforce the need for unity and cohesion, is must not overshadow the difficulties related to the functioning of the Union, in particular its lack of clarity and proximity to its citizens linked in part to a form of bureaucratic mindset and to the legislative inflation that could ensue. A certain scepticism in public opinion has increased and the European political project has not, as yet, secured the wholehearted approval of the Member States. Added to this area of lack is a certain propensity to the "Brusselisation" of national failures. The emerging image of European Union is inevitably blurred, thus raising the question of the added value of its action. The question of a clearer division of powers and respect for the principle of subsidiarity is now more than ever at the heart of the discussions on the relaunch of the European project.

All shared exercises in sovereignty must be carried out as a practical response to specific needs. These shared exercises should not be imposed on Member States and should be treaty based and not based on a federalist reading of them. The Union remains primarily a federation of Nation States and not a Federal State in the traditional sense. The objective of the building of Europe cannot be reduced to one of uniformity. Harmonisation and convergence leaves a margin of discretion to Member States.

Greater respect for the principle of subsidiarity at a European level raises greater awareness of diversity, but also facilitates awareness of the expectations of the economic players concerning any new European standards. The aim is to balance political time and economic time, the latter often moves more quickly than the former. However, the concept of subsidiarity should not be confused with a rigid vision of sovereignty. If subsidiarity has become, and with good reason, an important political tool, it should not depart from its original aim, that of facilitating European Union action when the circumstances do so require and ensuring that public policy is not implemented in isolation within each Member State.

This report outlines the areas in which the action of the European Union should be strengthened and those in which it should only act in support of Member States. It is based in part on the proposals contained in the report by the Senate's monitoring group on the withdrawal of the United Kingdom and the rebuilding of the European Union, published in February 2017[1].

[1] *Relaunching Europe: Rediscovering the spirit of Rome, information report N° 434 (2016-2017) by Mr Jean-Pierre RAFFARIN and Mr Jean BIZET, on behalf of the Monitoring Group on the withdrawal of the United Kingdom and the rebuilding of the European Union, of 22 February 2017.*

I. SUBSIDIARITY CHECK BY THE NATIONAL PARLIAMENTS: A PROCEDURE REQUIRING REVIEW

Since the entry into force of the Lisbon Treaty on 1 December 2009, the Senate Committee on European Affairs has scrutinised over 700 texts, equal to a hundred texts per year. A specific procedure was implemented, informing all the political groups. A meeting of a working group involving a representative of each of these groups is organised approximately every three weeks, to review the texts transmitted by the Commission in regard to monitoring subsidiarity and, where appropriate, to explore follow-up actions. This measure led to the adoption of 28 reasoned opinions, relating to 33 texts in all.

The majority of sectors have been subject to intervention by the Senate, these include justice and home affairs, energy, agriculture, health, social affairs, financial services, Economic and Monetary Union, single market, environment, culture, transport and taxation. It is not a case of a vision limited to certain fields but of a thorough analysis to establish if any justification, on the grounds of exclusive powers, references to the single market or the cross-border nature of the envisaged action, is well founded.

The subsidiarity check by the national parliaments

Protocol N° 2 on the application of the principle of subsidiarity and proportionality establishes the supervisory provisions governing subsidiarity. Only "European legislative acts", as defined by the Treaties, are subject to the scrutiny of national parliaments, in essence these are regulations and directives. This amounts to standard-setting texts that apply to all Member States, which is why national parliaments need to know about them. In contrast, decisions, recommendations, advice, working documents and Commission communications are not subject to a reasoned opinion or an appeal to the Court of Justice on the grounds of violations of the subsidiarity principle.

Under the terms of the Protocol, the subsidiarity check can be brought by the parliaments at two stages of the legislative procedure.

Firstly, they can adopt a position before the adoption of a legislative act by the European institutions by alerting the aforementioned to the non-compliance of a draft act with the principle of subsidiarity. National parliaments have eight weeks from the transmission of the draft to carry out prior checking.

If a third of national parliaments issue a reasoned opinion on the same legislative proposal, it must be reviewed by the European institution concerned, who may then decide to maintain, modify or withdraw its proposal. This threshold is lowered to a quarter of national parliaments for draft legislative acts in the field of judicial and police cooperation in criminal matters. This is known as the 'yellow card'. To calculate these thresholds, each unicameral parliament has two votes, and in a bicameral system, each chamber has one vote.

If half of the national parliaments issue a reasoned opinion on the same legislative proposal, which requires adoption under the codecision procedure, the European Commission must review the proposal and decide to maintain, modify or withdraw it. If it chooses to maintain it, the European Parliament and the Council should, before completing the first reading, verify the conformity of the text with the principle of subsidiarity. If the European Parliament, by a majority of the votes cast, or a majority of 55% of Council members believe it to be non-compliant, the legislative draft shall be considered rejected and shall not be given further consideration. This is known as the 'orange card'. This mechanism has not as yet ever been used.

The national parliaments can finally intervene in the legislative procedure. In the two months following the adoption of a legislative act, any national parliament may lodge an appeal before the Court of Justice of the European Union. The Court will then rule on the conformity of the act with the principle of subsidiarity. This is known as the 'red card'. No such appeal has as yet been lodged.

This regular monitoring of subsidiarity has helped to evaluate the procedure itself. It seems there is scope for substantial improvement. In order to improve the quality of monitoring, a number of different courses of action are possible. They have already been discussed within the framework of the Conference of European Affairs Committees (COSAC) which meets biannually, European Affairs Committees of the national parliaments of the Member States.

Three options must be defended: the review of the timetable for the examination of texts in order to facilitate in-depth dialogue between the national parliaments and the European Commission, the extension of the scope of the examination of texts on delegated and implementing acts, and the improvement of the 'orange card' procedure to make it more effective. Furthermore, more generally, the Commission must better justify its intervention.

A. BETTER JUSTIFICATION OF EUROPEAN UNION INTERVENTION

It is essential for the Commission to take the time to better justify the texts sent to the national parliaments. It should better support the use of a

legislative proposal and should not limit the motives of its intervention to the further development of the internal market or the global dimension of a subject.

This is a long-standing concern of many of the national parliaments, as demonstrated in the COSAC debates in 2011[1]. In particular, the importance of impact assessments has been identified. It is for the Commission to better justify its intervention using qualitative and quantitative indicators. Furthermore, these impact assessments must be translated into all the Union languages and be more accessible. Notice from the Commission at the same time as the draft project, is thus essential.

The Commission's argument, in its responses to the observations of the national parliaments, finds that the scrutiny exercised concerned more with proportionality than subsidiarity must be rejected. On the contrary, the two principles share the same European constitutional corpus. As noted by COSAC in 2012, the two principles are indeed intrinsically linked[2]. Article 5 of the Treaty on European Union states that "*under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level*". The reference to the scale and effects refers to the very notion of proportionality. Under these conditions, the analysis undertaken by the national parliaments should not be limited to a study of pursued objectives or be based on a list of criteria defined in advance. Instead it should include an evaluation of the resources employed. Thinking about the European 'added-value', central to the Task Force's mission, must embrace these two ideas.

It is in light of this fact that the Commission must give proper consideration to the impact of all new legislation. In economic matters, a distribution of costs and benefits needs to be systematically carried out relative to the size of the company before qualitative and, if possible, quantitative analysis takes place, taking care to clarify both the direct (administrative and compliance costs) and indirect impact (market structure competition). This study should lead to research on alternative or mitigating measures. These must ensure compliance with the principle of proportionality. They can take the form of exemptions. Thus, companies which fall below certain thresholds do not have to comply with certain specific obligations when this does not compromise the original purpose of the legislation.

The same reasoning applies to local authorities. Many of the recent measures have highlighted a substantial gap between the gains relating to

---

[1] *Contribution of the XLVI COSAC, Warsaw, 24-4 October 2011.*
[2] *Contribution of the XLVIII COSAC, Nicosia, 14-16 October 2012.*

the objective of the European Union and the cost of implementing it by the local authorities. These are often a first step in the implementation of European policies, their situation must be taken into account if we desire the optimal achievement of European objectives. Local authorities must be able to take into account their concerns at a European level.

B. IMPROVING REACTIVITY

National parliaments have eight weeks, from the date the draft is forwarded by the European Commission, to assess the respect of the principle of subsidiarity. The month of August is excluded from the calculation period. A consensus was reached within COSAC to also request the exclusion of European Institution recess periods, in particular those at the end of the year[1]. This request must again be supported.

In addition, the eight-week time limit may seem short if the goal is a thorough examination of a text asking genuine questions relating to subsidiarity. This involves hearings and committee debate, including in a plenary session depending on the importance of the text. Under these circumstances, it may be possible to extend the time limit to at least 10 weeks.

In the event of reasoned opinion, the European Commission should also focus on responding more quickly – a 12-week time limit should be set - with specific emphasis on the arguments raised by national parliaments. In recent years we have frequently noted that the responses to reasoned opinions overall have been less than satisfactory. COSAC shares the same opinion[2]. Indeed, the Commission outlines the mechanism it proposes, but remains firm on its position regarding the assessment of the respect of the principle of subsidiarity, and does not really address the Senate's objections[3].

Mr Frans Timmermans, First Vice-President of the European Commission and in charge of Better Regulation and Inter-Institutional Relations, announced, in a letter dated 11 July 2016 addressed to the Senate, that the Commission intended to undertake, where appropriate, in specific cases, an informal political dialogue with the national parliaments to discuss the content of the legislative proposal in question from the point of view of subsidiarity before making its decision to maintain, modify or withdraw its proposal. This initiative has not as yet been put into effect[4].

In particular, the Commission should, in the event of modification to a draft act raising concerns from several national parliaments, indicate how

---

[1] *Contribution of the LIV COSAC, Luxembourg, 29 November - 1 December 2015.*
[2] *LVI COSAC, Bratislava, 13-15 November 2016.*
[3] *European negotiations: the Senate vigilant and listening, information report N° 365 (2016-2017) by Mr Jean Bizet, on behalf of the European Affairs Committee, 2 February 2017.*
[4] *The letter is annexed to report N° 365 (2016-2017) cited above.*

these comments have been taken into account and how the new text responds to them.

C. SCRUTINISING DELEGATED AND IMPLEMENTING ACTS

The delegated or implementing acts – 150 implementing acts and 129 delegated acts were adopted in 2015 – today are not forwarded to the national parliaments for the purpose of monitoring compliance of the principle of subsidiarity. Nevertheless, delegated or implementing acts constitute supplements to legislative acts which are subject to this monitoring. Ultimately, the subsidiarity check used by the national parliaments is only partial.

Under the terms of article 291 of the Treaty on the Functioning of the European Union, the Commission may be given powers to implement legally binding Union acts. But this possibility is only available if "*uniform conditions of implementation*" are "*needed*". However, article 4 of the Treaty on European Union states that the Member States are the primary implementing authorities of European legislation, and that it is for them to take all appropriate measures, general or particular, to ensure fulfilment of the obligations arising out of the Treaties or resulting from the acts of the institutions. Consequently, if the implementation of a legislative act can indeed be referred to the Commission, it should be established that the Member States are not best placed to do this. Currently, the subsidiarity check is possible for draft legislative acts which provide for this type of act. Nevertheless, the fact remains that the check then operates on the intention to use these acts and not on their content, in essence not available.

In recent years, the Senate has repeatedly adopted positions requiring such a check[1]. It is regrettable that it was not included in the Interinstitutional Agreement on Better Lawmaking of April 2016, one aim of which is to better control the use of secondary legislation[2].

The deadline for the adoption of implementing or delegated acts is further justification for such an examination by the national parliaments. Thus, within the framework of the application of the 2010 directive on the deployment on Intelligent Transport Systems (ITS), the entry into force of the last delegated act could take place 12 years following the adoption of the basic act[3]. Such a deadline questions the relationship between the legislator's original intention and its actual implementation.

---

[1] *The latest date of 24 November 2017: European resolution N° 22 (2017-2018) on the reform of the Comitology Regulation (COM (2017) 85 final).*

[2] *Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission "Better Law-Making", of 13 April 2016.*

[3] *Proposal for a European Parliament and Council decision amending Directive 2010/40/EU as regards the period for adopting delegated acts (COM (2017) 136 final).*

D. A NEW ORANGE CARD?

The agreement reached on 19 February 2016 with the United Kingdom on the question of subsidiarity within the framework of the Tusk package was rendered obsolete by the result of the British referendum. It is not a matter of starting again from scratch given the result of the British referendum. Nevertheless, it contained a particular point aimed specifically at the subsidiarity check by the national parliaments. This could be reexamined.

Consequently, under the agreement, where reasoned opinions on a Union draft legislative act's non-compliance with the principle of subsidiarity represent at least 55% of all votes allocated to the national parliaments, the Council Presidency should add this issue to the Council agenda so that these reasoned opinions and any consequences drawn from them are subject to thorough consideration. Following such consideration, representatives of the Member States may terminate the examination of the draft act in question or amend it in line with the concerns raised. This amendment of Protocol N° 2 would lead to a more precise 'orange card' procedure.

Under the terms of Protocol N° 2, the procedure is actually more complicated. If half of the national parliaments issue a reasoned opinion on the same legislative proposal, which requires adoption under the codecision procedure, the European Commission must then review the proposal and decide to maintain, modify or withdraw it. If it chooses to maintain it, the European Parliament and the Council should, before completing the first reading, verify the conformity of the text with the principle of subsidiarity. If the European Parliament, by a majority of the votes cast, or a majority of 55% of Council members believe it to be non-compliant, the legislative draft shall be considered rejected and shall not be given further consideration. This mechanism has not as yet ever been used.

E. SHOULD THE TREATIES BE REVISED?

Initial discussions within the Task Force set up by the European Commission offer approaches which may become relevant.

The first concerns the thresholds adopted for issuing a yellow card. It is indeed possible to question the effectiveness of a mechanism that generally requires a third of national parliaments in order to bring about a simple review of the text. Only three yellow cards have been submitted to the European Commission since the entry into force of Protocol N° 2, which reflects the relative difficulty reaching the required threshold. Of these three

yellow cards, only one resulted in the withdrawal of a text[1]. The two others resulted in a formal examination, with no amendments, only allowing for the identification of European Commission's priorities[2]. Under these circumstances, it may be possible to lower a threshold considered to be relatively demanding even though the yellow card does not actually bind the European Commission.

A second course of action consists of the possibility, for national parliaments, to review the text in the light of subsidiarity as soon as substantial changes in the course of negotiations in the Council and the European Parliament become known. In effect, Protocol N° 2 limits the examination period of a text to eight weeks, that being before the actual start of the negotiations. In October 2015, our committee consequently adopted a political opinion, transmitted directly to the European Commission, to show that the draft regulation relating to structural measures improving the resilience of European Union credit institutions, presented in April 2014 and then extensively amended at the Council, did not respect the principle of subsidiarity[3]. It would have been appropriate for the national parliaments to coordinate their actions concerning the draft within the framework set out for subsidiarity, insofar as our arguments qualify for this type of check.

Under these condition, your rapporteurs can only welcome such options. However, concerns exist about their effective implementation. Unlike the extension of response times at the beginning of the process or the examination times of delegated acts which may be considered within the framework of a relaxed reading of Protocol N° 2, the two options mentioned involve an alteration to the latter, initiating a review process of the Treaties, and can therefore only be considered in the medium and long term. As pointed out by the monitoring group in its report on the rebuilding of the European Union, revising the Treaties is not a priority at this time. It stands to absorb the necessary political impetus for the re-founding of the Union, while failing to respond to the current aspirations of European citizens. The primary concern is prioritising pragmatic solutions, which can be implemented very quickly, to achieve real, understandable and effective progress.

---

[1] *Proposal for a regulation on the exercise of the right to take collective action within the context of the freedom of establishment and the freedom to provide services (COM (2012) 130 final). The Senate by submitting a reasoned opinion to the European Commission contributed to reaching the required threshold.*

[2] *Proposal for a regulation on the establishment of the European Public Prosecutor's Office (COM (2013) 534 final) and Proposal for a directive amending Directive 96/71/CE of 16 December 1996 concerning the posting of workers in the framework of the provision of services (COM (2016) 128 final). The Senate is not associated with the yellow card aimed at the review of the Directive of 1996 concerning the posting of workers.*

[3] *Political opinion on the proposal for a regulation of the European Parliament and the Council on structural measures improving the resilience of European Union credit institutions (COM (2014) 43 final), 29 October 2015.*

It is therefore appropriate to promote the development of a common declaration within the framework of COSAC, in which the European Commission undertakes to review the texts once a minimum threshold, lower than that under Protocol N° 2, is reached. This text also makes provision for a new forwarding of texts as soon as substantial changes have been made to them in the course of negotiations. This type of informal procedure is nothing new. The Commission has recently committed to examine European legislative initiatives by national parliaments, on a case by case basis, although not provided for by the Treaties. As regards subsidiarity, pilot experiments were conducted within the framework of COSAC in 2005. They heralded the establishment of dialogue on subsidiarity between the Commission and the national parliaments. Before being provided for by the Treaties, this took the form of an initiative to promote direct dialogue with the national parliaments focused on the application of the principle of subsidiarity and proportionality, presented by former European Commission President Mr José Manuel Barroso, following the negative referenda in France and the Netherlands in 2005 on the draft European Constitutional Treaty. This initiative was endorsed by the European Council at its meeting on 15 and 16 June 2006. The direct dialogue was launched on 1 September 2006 and existed until the entry into force of the Lisbon Treaty.

II. DOING BETTER AT A EUROPEAN LEVEL: LOOKING FOR EUROPEAN ADDED VALUE

Scenario 4 in the Commission's White Paper on the future of Europe, envisages "*Doing Less More Efficiently*". This ambition is to be welcomed given that is should help increase the visibility of the European Union and improve the clarity surrounding its interventions. In it the Commission details the areas in which the European Union could intensify its action. It mainly focuses on innovation, trade, security, migration, border management and defence. The monitoring group on the withdrawal of the United Kingdom and the rebuilding of the European Union, in its report on the referendum published in February 2017, retained the same objectives[1].

Research into European added value does not necessarily imply reaching 27. Enhanced cooperation was under-utilised since it was introduced into European law by the Amsterdam Treaty in 1997. Only three cases reached the implementation stage. These involved the common rules regarding the applicable law on divorce for binational couples (2010), the European Union patent (2011) and the financial transaction tax (2013).

Enhanced cooperation

Articles 43 to 45 of the Treaty on the European Union and Articles 326 to 334 of the Treaty on the Functioning of the European Union, revised at the time of the Treaty of Lisbon, detailing the implementation arrangements for enhanced cooperation.

The authors of the Treaty of Lisbon wanted to facilitate the use of this measure, which can be applied to all the domains of European action, provided that at least nine Member States participate. Permission to proceed with enhanced cooperation is granted by the Council of Ministers, which shall take a decision by qualified majority on the proposal of the Commission and after obtaining approval by the European Parliament. In the area of foreign and security policy, permission is granted by the Council of Ministers acting unanimously.

The Commission and the Member States participating in enhanced cooperation are encouraging as many Member States as possible to become part of this cooperation, however only participating Member States can adopt acts.

Enhanced cooperation should make it possible to combine all the available "good will" and guarantee a genuine knock-on effect. It can act as a framework which can demonstrate the reaction capability of Member States, united in the face of crises of all kinds - financial, economic, military, migratory - and highlight, to the general public, the added value of common action in this area. As noted by the monitoring group in February 2017, it appears to be destined for success, as long as it reflects the interests of

[1] *Above-mentioned report.*

European action and ultimately appeals to those initially reluctant Member States. They carry with them the relaunch of the European project and also its fulfilment throughout the European Union as a whole. It is therefore necessary to proceed in favour of the development of this Europe based on "variable geometry" and "concentric circles".

A. MOVING TOWARDS A POWERFUL EUROPE

The debate on European added value should be placed within the framework of a more general reflection on the ambitions that we intend to be assigned to the European Union. If our citizens do not accept a European Union that is too interventionist in daily life, they may prefer a Europe that asserts itself on the world stage, in particular in order to respond to security challenges. A Powerful Europe or "a Europe that protects" covers several areas such as defence, security, management of the migration crisis and trade negotiations. Achieving its goal should be one of the main objectives of our thinking on a better division of powers between the European Union and the Member States.

1. The fight against terrorism

In the face of a cross-border terrorist threat, the interconnection of intelligence services and cooperation between the police and judicial authorities are clearly key priorities. They would give meaning to the objective of European added value. The European Commission expects the creation of a European agency dedicated to the fight against terrorism, designed to deter and prevent serious attacks in European cities through the systematic identification and reporting of suspects. It also intends to provide easier access to European databases containing biometric information on offenders.

While recalling that the Union would only intervene in this area with the support of the Member States, this ambition deserves support but also requires further exploration. In particular, your rapporteurs desire that European judicial cooperation is accomplished through the strengthening of Eurojust. It involves the creation of a genuine European registry allowing for an overlap between the court proceedings initiated in the various member states. At the same time, it is essential to extend the missions of the future European Public Prosecutor's Office to cross-border crime, with a focus on terrorism. It appears that the Commission still wishes to advance in this area by 2025[1].

[1] *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and to the Committee of the Regions: Programme of work of the Commission for 2018: A programme for a more united, stronger and more democratic Europe (COM (2017) 650 final).*

2. What outlines for European defence?

European added value should also be established in the area of defence. The European Commission expects, in its baseline scenario, the enhancement of common defence capabilities. Your rapporteurs share this opinion. It is also essential to remember that defence policy by nature remains intergovernmental and that the announced enhancement of common defence capacities comes down to better pooling of funding.

The provisions of the Treaties should initially be fully implemented, already allowing for the development of European financing of stabilisation operations and training in security sectors in countries emerging from crisis. It is also legally possible to create a permanent planning, command and conduct structure for military operations related to the Common Security and Defence Policy (CSDP). Beyond that, the question of common defence capabilities requires some reflection on its funding. Consideration might also be given to a reform of the funding mechanism of the military operations of the CSDP (Athena), through an expansion of the European part. It is also about securing and increasing the European funding for defence research and the development of common capacities with the creation of a European defence fund. Increasing the resources and responsibilities of the European defence agency as a European armament programme development tool and the definition of standards for equipment is another option. The involvement of the European Investment Bank in defence funding, in particular in favour of SMEs, should not be overlooked.

At the same time, the intergovernmental dimension of defence policy should be expanded. Again, the Treaties allow for the implementation of new instruments, like a European Security and Defence Council, able to offer the political impetus required for fostering the emergence of a European Defence and Industrial market and base. Its meetings would be prepared by a Council of Defence Ministers. The use of permanent structured cooperation should also be considered.

3. Addressing the migration crisis

The European Commission is particularly ambitious as regards the management of the external borders of the Union. Scenario 4 provides that the European border-guard and coastguard agency (FRONTEX) is fully responsible for their control. Furthermore, all asylum applications would be processed by a single European asylum agency. It is also in line with the Senate monitoring group's desire calling for the rapid emergence of a real European border police force.

Your rapporteurs would like to elaborate on three particulars from a subsidiarity perspective.

Firstly, any strengthening of the response of the European Union in the area of migration must be combined with a debate on the governance of the Schengen area itself. Strategic management should be implemented within the framework of specific Interior Minister meetings, distinct from those of the Justice and Home Affairs Council. It is also important to reflect on the principle of responsibility of the first country of entry for the examination of asylum applications and to seek a fairer distribution of this burden. Although front-line countries continue to carry the burden of commitment in respect of the management of the external borders of the European Union, it does not appear necessary to incorporate a correcting mechanism into this system allowing for solidarity on a European scale in the case of exceptional migratory pressure, as with the relocation mechanism. At the same time, the question of a real European asylum law must be addressed, through the radical reform of the regulation known as the Dublin III, in terms of content and procedures[1].

With regard, secondly, to border management itself by FRONTEX, this means that Members States play a role in the training of the 1,500-strong Rapid Pool, while continuing to provide national personnel to meet ongoing operational requirements in a particular context where their resources in this area are limited, or even under pressure. **Under these conditions it is essential to quickly address the recruitment challenge and the training of suitable candidates.**

Lastly, it is vital to allow the Members States the flexibility to be able to control their internal borders in response to security and public order threats.

4. Can the European Union be described as a trading giant?

The European Commission, in reference to scenario 4, desires the European Union to be in a position to make timely decisions regarding the negotiation and conclusion of trade agreements. Your rapporteurs share this position provided that it is guided by two principles: transparency surrounding any negotiations and the protection of the interests of the Member States.

In particular, the Union's trade policy must be subject to regular debates at as early a stage as possible, for example before the adoption of the Council of the negotiating mandate granted to the Commission for the launch of a free trade agreement. There must also be transparency during the negotiations with the transmission of translated documents and the dissemination of prior impact assessments, both in terms of the

[1] *Regulation (EU) N° 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member States responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person.*

commencement of negotiations and the provisional implementation of agreements entered into. Similarly, a systematic policy of monitoring the application of these agreements, following a certain duration of application, is necessary. Scenario 4 emphasises the timeliness of decision making by the Commission on trade matters. This could lead to a renouncement of the principle of diversity of trade agreements, which requires a decision procedure involving the European Union on one site and the national parliaments on the other. The Court has recently ruled that the trade component of the agreement calls for an opinion from national representations whereas the investment component falls under the exclusive competence of the European Union[1]. Any renunciation of diversity requires the prior involvement of the national parliaments in the definition of the mandate and, thereafter, in all stages of the negotiations.

At the same time, the European strategy on the issue should allow the Union to assert itself as a trading power, focused on the defence of its interests and therefore those of the Member States. Therefore, it should use the trade defence tools at its disposal, promoting its own standards and working towards well-balanced reciprocal access to public procurement markets. During a recent dialogue with your European Affairs Committee, the EU Trade Commissioner, Mrs Cecilia Malmström, indicated that she was considering ways of protecting Europe from harmful imports from an environmental perspective[2].

B. FOR EUROPEAN GROWTH

The European Union was established as a single market and it should not overlook this foundation. Scenario 4 in the European Commission's White Paper calls for better targeting of its economic intervention by concentrating on aid for innovation, consumer protection and the deepening of the Economic and Monetary Union. This approach also received the support of your rapporteurs provided that it clarified.

1. Aid for innovation and investment

The Commission is committed to excellence in research and investment in new European-wide projects, as with decarbonisation, digitisation, cooperation on space-related matters and the completion of regional energy platforms. The monitoring group for the withdrawal of the United Kingdom and the rebuilding of the European Union retained similar

---

[1] *Opinion 2/15 of the Court of 16 May 2017 on the Free Trade Agreement of the European Union and the Republic of Singapore.*

[2] *2018, a new year of challenges for the European Union, information report N° 253 (20172018) by Mr Jean Bizet, Mr Philippe Bonnecarrère, Mr André Gattolin, Mrs Gisèle Jourda, Mrs Fabienne Keller and Mr Pierre Médevielle, on behalf of the Senate Committee on European Affairs, 25 January 2018.*

objectives. It remains to be seen to what degree European Union action should represent real added value and not replace action by the Member States.

The case relating to energy is most eloquent. The Senate has adopted several resolutions in recent months recalling the division of powers between the European Union and the Member States[1]. The creation of regional energy platforms, as called for by the Commission, in the first place must serve to implement a real energy Union. This should provide answers to the shortcomings identified in the European electricity system and enable regulations and markets, which are still fragmented, to be unified, generating significant economic, social and environmental costs. However, it remains true that the European Commission must act in respect of the principle of subsidiarity, and, in this case, the right of the member states, guaranteed by the European treaties, to determine the overall structure of the energy supply. It is not simply a matter of giving any power of control to the Commission, but encouraging the member states to better coordinate their initiatives.

As regards decarbonisation, European added value is even more important. The Union must retain its leading role in the fight against climate change, by encouraging the development of certain technologies of the future and to set a course for an accelerated transition towards a more resilient and lower-carbon world. It must therefore improve its coordination efforts in sectors with future potential by encouraging the development of truly competitive industrial chains. At the same time, all proactive policy moving towards a competitive energy transition should take into consideration global issues of economic and social balances. This also applies to regulated electricity tariffs for residential customers, and to the impact of European measures in favour of the circular economy for local authorities.

In regard to the digitisation of the economy, action by the European Union is vital. It must move in three directions: strengthening the European single market by improving access to digital products and services across Europe for consumers and businesses; creating a conducive environment and a level playing field for the development of innovative digital networks and services and, finally, maximising the potential for growth in the digital economy. At the same time, the Union must act as a power by affirming its sovereignty in the digital world. It must both better protect its companies and citizens, and, be more present on the international scene.

More broadly, the action of the European Union appears both justified and critical if it can serve to enhance the competitiveness of

---

[1] *European resolution regarding reasoned opinion N° 125 (2015-2016) of 11 April 2016, European resolution regarding reasoned opinion N° 108 (2016-2017) of 5 April, European resolution regarding reasoned opinion N° 109 (2016-2017) of 16 May 2017, European resolution N° 129 (2016-2017) of 8 September 2017, European resolution regarding reasoned opinion N° 43 (2017-2018) of 10 January 2018.*

European companies and facilitate investment. It should support change and not curb it, while allowing plenty of scope for national strategies.

2. Competition and control of state aids

Scenario 4 provides that state aid control is delegated more to national authorities. Such an opinion may be relevant. However, vigilance is required in terms of the competition experience gained. Decentralisation concerning competition policy was not accompanied by joint reflection on its ambitions and a revision of its criteria, and in particular the concept of the relevant market. The competition policy must be in the interests of the European industrial policy and facilitate the emergence of European champions.

Under these conditions, a decentralisation of state aid monitoring results in the redefinition of assessment criteria in the European Union:

- international competition should also be taken into account in the prior analysis of possible sanctions;

- state aid should also be considered as a lever for private investment in sectors with strong growth potential;

- state aid may be authorised if it directly contributes to European Union industrial objectives.

3. The enlargement of the Economic and Monetary Union

Scenario 4 states that the European Union will continue to adopt measures to consolidate the eurozone and to ensure the stability of the single currency. Your rapporteurs share this ambition. A clear division of tasks which initially drove the Economic and Monetary Union today appears outdated. In effect, the Central European Bank, independent and in charge of the monetary policy, should stabilise the zone in the event of an economic shock affecting all member states in the same manner. In the event of a local crisis (asymmetric shock), the States are free to act through a budgetary policy, within the limits of the Stability and Growth Pact (public deficit below 3% of the GDP and debt below 60% of GDP). Member states should therefore ensure, *via* countercyclical policies, that they develop their emergency preparedness. The 2008 economic and financial crisis showed that this condition had not been fully respected by the Member States. Since then, the Union has given itself new ways oriented towards a form of fiscal federalism and measures to respond to shocks within some Member States (European Financial Stability Facility and European Stability Mechanism). However, on this issue it appears to be waiting for new efforts as illustrated

by the many reports and roadmaps drawn up by European institutions since 2015[1].

Firstly, the boundaries of the expected deepening of the governance of the eurozone need to be established. This cannot be limited to the application of the Community method on monetary matters. Instead, it consists of achieving real political leadership by strengthening the role of the Eurogroup or by systemising the eurozone summits. Clearly, these provisions go hand in hand with closer involvement of national parliaments.

Beyond governance structures, it is necessary to provide the Economic and Monetary Union with the adequate arrangements to deal with shocks. As such, the proposal to create a European Monetary Fund, put forward by the Commission last December, must be strengthened[2]. In particular, questions must be addressed on the banking licence which may be granted or a capacity, using the Fund, to issue additional debt to those Member Sates facing difficulties. This development must be combined with the consolidation of budgetary surveillance at European level.

4. Moving towards social and fiscal convergence

As noted by the monitoring group in its report on the rebuilding of the European Union, the strengthening of the European Monetary Union must go hand in hand with the creation of a real social and fiscal convergence code. It is necessary to establish, over time, an incentive mechanism for the convergence of the rules on labour markets and social systems to effectively strengthen the social dimension of the eurozone.

The approach concerning social matters must also be extended in the field of taxation by means of the ongoing reflection on the Common Consolidated Corporate Tax Base (CCCTB) to enhance convergence of the economies of the zone, and combat tax competition between the States. In particular, a timetable should be put in place to reconcile company taxation. Any convergence in the matter must not be done to the detriment of the competitiveness of French companies or national tax revenues. The Franco-German partnership may constitute the framework for accelerating convergence by harmonising their VAT rates, taxes on capital, and by putting in place a single community rate of corporation tax. This convergence code may be extended to investment, in particular in research and development.

Under these conditions, your rapporteurs have some reservations on the will of the Commission, within the framework of Scenario 4 on

---

[1] *"Completing Europe's Economic and Monetary Union" report by Presidents of the European Council, the Commission, the European Parliament, the Central European Bank and the Eurogroup, 22 June 2015.*

[2] *Proposal for a regulation on the establishment of the European Monetary Fund (COM (2017) 827 final).*

being less involved in the different strands of social policy and employment and maintaining variable levels of taxation on all sides of the European Union. Concerning social matters, the desire of the Commission may seem inconsistent with the proclamation on the European Pillar on Social Rights by the Council, European Parliament and the Commission on 17 November 2017, and the announcement by the executive of the forthcoming implementation of a European Labour Authority and the creation of a European social security number. This set of measures is envisaged to strive towards the kind of social harmonisation expected by our citizens, and to strengthen the idea of a Europe that protects.

The same reasoning applies to tax matters. The aim is to help the Union address the competition problems within it. The question of a move to qualified majority voting in this area is also worth raising.

III. TOWARDS A NEW DIVISION OF POWERS

In reference to Scenario 4, the Commission proposes several areas in which the European Union should only intervene to support the Member States. It is also considering limiting its added value with regard to public health and regional development. It also takes the view that the new standards on consumer protection, workplace hygiene and health and safety, should only include a minimal degree of harmonisation. Member States would also benefit from more experimentation flexibility in certain sectors.

Your rapporteurs support the idea of a better division of powers. The European Affairs Committee has already, as in the past, taken a position on the question of a rationalisation of the Commission's activities[1]. This approach also fosters better clarity in European Union action and should facilitate a more efficient and visible division of roles. It will further fully participate in highlighting "A Union of Democratic Change" presented by the President of the European Commission, Mr Jean-Claude Juncker, at the time of his election in July 2014 and with which the national parliaments should strengthen their position.

In areas cited by the Commission, your rapporteurs emphasise the need to adopt a pragmatic approach rather than predetermining which areas the European Union should no longer intervene in. All regulation at a European level should demonstrate real added value, be comprehensible and not increase the administrative burden on the activity. This reasoning can be applied to all economic areas. The decision by the Commission to mention the impending removal of the questions relating to workplace health and safety, hygiene and consumer rights must not be seen as alarming. In recent years, our committee has issued several opinions, in these areas, to the effect that it would reject all harmonisation once it has led to the standardisation of European citizen's rights. The most recent case relates to the Commission's proposal on online sale agreements[2]. Nuclear safety has also led our committee to decide against harmonisation to the extent that it would have meant a reduction in our requirements in this area[3].

More broadly, we need to remain alert to the very nature of the legal texts proposed by the Commission. In recent years, we have seen

---

[1] *The European Commission's work programme for 2016, information report N° 322 (2015-2016) by Mr Jean Bizet and Mrs Simon Sutour, on behalf of the European Affairs Committee, 21 January 2016.*

[2] *Proposal for a directive on certain aspects concerning contracts for the sale of goods (COM (2017) 637 final) and European draft resolution N° 327 (2017-2018) on the proposal for a directive on certain aspects concerning contracts for the sale of goods, presented by Mr André Gattolin and Mrs Colette Mélot, on behalf of the European Affairs Committee.*

[3] *European policy on nuclear safety: The Need to Advance, information report N° 561 (2010-2011) by Mr Jean Bizet and Simon Sutour, on behalf of the European Affairs Committee, 25 May 2011, and Senate European Resolution N° 153 (2010-2011) on the European Policy on Nuclear Safety, 30 June 2011.*

changes in European law. The Treaties provide for two legal instruments: directly applied regulations and directives which have to be transposed into national legislation, with some flexibility for Member States. The practice has shown a new application of these instruments: regulations which largely include the possibility of national measures for adaptation – such as the regulation on data protection adopted in 2016[1] – and directives providing for maximum harmonisation which prohibit the total freedom of national legislators, as with the proposal for a directive concerning contracts for the online sale of goods. **Prior to the definition of the scope of an activity, the Commission must honour the spirit of the Treaties and propose directives and regulations in accordance with the criteria set out above.**

A. THE CASE OF REGIONAL POLICY

The intention expressed by the Commission to limit its intervention on regional matters may raise legitimate concerns given that European policy, in this area, contributes financially to the development of our regions. Nevertheless, your rapporteurs may share this point of view as regards the effective implementation of cohesion policy. It is not a matter of calling financial allocations into question, but rather to reflect on how to achieve better implement on the ground.

Rather than withdrawing, your rapporteurs believe that the simplification of the cohesion policy is essential if we want to highlight European added value at a regional level. The aim is thus to guarantee appropriation by our citizens. As noted by the monitoring group in its report on the rebuilding of the European Union, simplification must focus particular attention on regulation, the burden and complexity of which are exponential. European regulatory standards are excessively formal, legally unstable and lack clarity.

At the same time, it is a question of promoting proportionality. Monitoring and audit procedures should be appropriate for the scale of the project concerned, in particular, based on the level of resources and risks involved. It is also appropriate to adjust European monitoring and audit procedures according to the administrative capabilities of each Member State in this area.

As regards the allocation of funds, your rapporteurs emphasise a pragmatic approach to answer the dual requirement for budgetary flexibility and reactivity. It is a matter of achieving the pooling of rapid mobilisation credits to deal with exceptional circumstances and avoid transfers between European budget headings or amendments imposed in the process of regional programmes.

---

[1] *Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals in regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/CE (general regulation on data protection).*

The disbursement of funds, for its part should be subject to a harmonisation of rules, for the time being differentiated according to the origin of the credits. This should allow project stakeholders and beneficiaries to understand the structure and for it to realise its full potential among European citizens.

B. REVISION OF SCOPE AND SIMPLIFICATION

The case of regional policy raises the issue of simplification. Any questioning concerning the scope and intervention procedures of the European Union should be accompanied by a review on the simplification of rules and procedures which it has developed. European regulation is often seen as unclear, too complex, nit-picking or simply unwarranted. It is an illustration of a Europe which is distant from its citizens and their expectations. The European project which should represent a chance and an opportunity, in particular in the economic domain, can sometimes appear to be a source of constraints and an obstacle to many activities.

For some years, simplification has been a priority for the European Commission, as evidenced by the implementation of the REFIT programme, striving for regulatory fitness, in October 2013. This tool aims to evaluate EU legislation and to adopt, if required, any necessary corrective action. In this way, the Commission intends to respond to the laudable aim of easing the regulatory burden and combating unnecessary bureaucracy. It also contributes to the implementation of a clear, stable and predictable regulatory framework favouring growth and employment.

There is now a need to peruse these efforts and make the European standard clearer, more readable and more accessible. The European Affairs Committee has already been working on this issue[1]. In particular, reflection on impact assessments, must be part of the effort by ensuring greater attention is given to constraints on companies and local authorities.

This is particularly evident in economic matters. In recent years, the European Union has focused mainly on consumer protection and, with the financial crisis, on the regulation of financial markets. The administrative difficulties that European businesses are faced with, in particular small businesses, have also been ignored. These face an overlapping of European standards, sometimes involving their timely application. There is therefore a need to clarify existing legislation and encourage the drafting of a European business code, consolidating the existing rules into a single structured and comprehensive document.

---

[1] *"Simplifying the law: a European Union requirement", information report N° 387 (2016-2017) by Mr Jean Bizet, Mr Pascal Allizard, Mr Philippe Bonnecarrère, Mr Michel Delebarre, Mr Jean-Paul Emorine, Mr Claude Kern, Mr Didier Marie, Mr Daniel Raoul and Mr Simon Sutour, on behalf of the European Affairs Committee, 9 February 2017.*

More broadly, the Commission should continue work to reduce legislative inflation and ease the regulatory burden, announced in November 2014 by its President Jean-Claude Juncker. This "clean up" operation is expressed in the withdrawal of legislative proposals judged as not relevant or which do not have a short-term aim of adoption, and the repeal of more than 200 standards in the last three years. This helps to achieve a better application of the principle of subsidiarity. The need today is for fewer laws and better lawmaking. Visibility and understanding of European action by European citizens entails such rationalisation.

REVIEW BY THE COMMITTEE

The European Affairs Committee met on Thursday 19 April 2018 to review this report. Following the presentation given by Mr Jean Bizet, Mr Philippe Bonnecarrère and Mr Simon Sutour, a debate took place as follows:

Mr Jean Bizet, President. – Ladies and gentleman, I would point out to you that this information report will be forwarded to the different Member States and I shall now hand over to you.

Mr Benoît Huré. – This document should be included in the debate on future European elections. We must be proactive and, in the face of Euroscepticism, show that elected representatives have a vision of Europe. Well done!

Mr Pierre Ouzoulias. – I share many of the opinions in this extensive report. It is important to engage in a broader theoretical debate on what the European Union is and what it could become.

Brexit calls into question the reports of certain Member States with each other. It would be a dreadful setback if tomorrow the Union was reduced to a common market.

Mr André Reichardt. – I congratulate you on your report, ladies and gentlemen. The paradox that you have identified between Powerful Europe and European growth concerns me. On the one hand, the desire to better manage migratory flows and make the Schengen area an actual reality is supported by the French. On the other hand, in economic and social terms, they want Europe to be responsible for its own concerns.

We need to engage in in-depth work so that future elections have meaning.

The new division of powers that you so earnestly desire is of great interest to me. It's a case of treating European added value in a pragmatic way rather than being trapped by strictly defined powers. But the question remains on the definition of pragmatism…

In effect, as you have emphasised, it would be preferable for the representation of the Member States within the Task Force to be more balanced, so that consideration of this dossier, essential for the future of Europe, is even better.

Mrs Pascale Gruny. – I too wish to thank my colleagues for their work, critically important on the eve of the European elections.

We often say that our citizens are eurosceptics, but they don't know much about Europe and don't understand it. Too often, we ourselves forget to talk about it, and I am going to use this report to help explain it.

Mr Pascal Allizard. – I add my thanks to those of my colleagues on the quality of and need for this report.

Today, I feel that Europe has reached a deadlock.

I had the opportunity to represent the Senate in a conference on energy in The Hague and I remember an element of intrusion in the sovereign choices of certain Member States. The topic of subsidiarity is an issue of real importance.

I will also give you some recent examples from working meetings in Brussels on the hot topic of migration.

A senior European office refused to answer my question on the possibility of moving the hotspots of the European costs to the southern shore of the Mediterranean on the grounds that it didn't fit with her beliefs!

A deputy director general of the Commission told me that my parliamentary role was to explain to my citizens that the policy formulated in Brussels was right!

Lastly, full of cynicism, an English director general took the view that the next round of negotiations on EU funds would be a chance to put Member States reluctant to accept migrants on a "starvation diet"... It's a grave mistake to think that Hungary, Austria, the Czech Republic or Poland would agree to selling their identities for a few million euros.

These kinds of messages expressed by unelected leaders are unacceptable and, if they remain unchallenged, the European project will surely fail. If we were to hold a referendum on leaving the European Union in our country today, the outcome would be the same as in the United Kingdom, or even worse.

We must put policy back at the heart of Europe and make progress in areas chosen by the nations, and not by European officials.

Mr Didier Marie. – I am reluctant to support the idea of Europe of the nations. The European Union's issues lie in the imbalance of power between the Council, Commission and the Parliament. The Lisbon Treaty has improved the representativeness of Parliament, but we need to further strengthen its powers.

The European project has a future if it focuses on responding to the concerns of the people. For many years, the European Union has embraced a liberal economic model which our citizens have largely rejected. There is a need for genuine political debate in the European Union, and the European project is bogged down by haggling between the Member States and the Council.

Rather than retreat from the idea of nation, we need to relaunch a European dynamic by legitimising European policies, in particular, those from the Parliament. In this regard, the proposal by the President of the

Republic for transnational lists for the European elections is an interesting idea. We need to put policy back into the European debate and put an end to empty compromises. Europe fails to adopt strong positions on certain issues.

Mr Jean Bizet, President. – Philippe Bonnecarrère, Simon Sutour and I are going to present this information report to Frans Timmermans. I myself am part of the Task Force support group.

We often criticise Europe for its lack of responsiveness. It is true that many policies require unanimity, and the qualified majority is still not easy to achieve.

The British withdrawal illustrates the tensions felt by the people towards a structure with which they no longer identify.

I should like the "Tusk package" drawn up before Brexit, to be implemented in the coming years in regard to subsidiarity, given that it responds, in part, to our questions.

Lastly, it seems to me that the procedure of enhanced cooperation has been under used: only 3 times in 20 years. We overcame the challenges from Italy and Spain to the European patent, the result being a 10-fold reduction in the cost of our patents. Europe based on variable geometry and concentric circles: this is an interesting avenue, even if it is difficult to achieve semantic satisfaction.

Mr Simon Sutour. – Don't be too pessimistic. Two steps forward, one step back, but Europe is still moving forward!

Just a few years ago, I was asked to write a report on the reform of the wine CMO. When I told the Director-General for Agriculture at the Commission that I was planning to meet the European Parliament rapporteur of the project, he told me that I was wasting my time as the Parliament can only give its opinion. Today, co-decision procedures have multiplied.

I also remember a meeting of the Presidents of the European Affairs Committees where the energy future of the European Union was an agenda item. The Energy Commissioner at the time, Mr Oettinger, spoke for an hour without once mentioning the word "nuclear". He was very upset when I pointed out this omission, but nevertheless he did not hesitate to tell us what to do in the future.

The conditionality of aid is very fashionable, in particular in the words of Mrs Loiseau: walk the line, or face the blows! I was one of the first to challenge this approach, in particular during a debate in a public meeting. It appears that we are taking a few backward steps, the President of the Republic however talks about social and fiscal convergence, which is more acceptable. Of course, nothing is perfect!

To end, I support regional languages and all European languages, but, for reasons of efficiency, I suggest that this report is translated into English.

Mr Jean Bizet, President. – It is in hand!

Mr Philippe Bonnecarrère. – I agree with the suggestion by our colleague Simon Sutour on the translation of this report. Nevertheless, I believe that it is important to put the impact of the work on the monitoring of proportionality and subsidiarity into perspective, as counterparties presented to our citizens once Europe moves into a new phase. In reality, in cases where subsidiarity is used, we have at least fifty European instruments at our disposal. Here lies the paradox of a society that responds poorly to European devolution while still depending on Europe. Concerning social matters, for example, we would like to have a national policy provided that the Gothenburg process and the proclamation on the European Pillar on Social Rights make sense. It is up to us to explain to our citizens how to manage European complexity and the fact is that there is are no single answers to a question: the issues and decision making are so interwoven that the responses, often multiple, are made known after a relatively long time. We must improve our ability to express this reality. The French have a general understanding of the geopolitical importance of the European Union in relation to the United States and China, however their understanding remains limited regarding its actions towards other areas. In this regard, I propose that we produce a guide to European Union contributions, highlighting, for example, the benefits of the freedom of movement, voting rights and the harmonisation of telecoms practices. Regardless of their deficiencies, proportionality and subsidiarity still remain fundamental principles of the European Union.

Mr Pascal Allizard. – I share Simon Sutour's view on the conditionality of aid. I am working with Gisèle Jourda on the Silk Roads project and can assure you that the border States of the European Union will have little use for this principle as China will be more generous to them than Europe.

Mrs Gisèle Jourda. - Absolutely!

Mr Jean Bizet, President. – You make a very valid point.

Mr René Danesi. – I would remind you that in November 2017, the Chinese Prime Minister held a meeting with sixteen central and eastern European countries from the so-called 16+1 club. Certainly, the Chinese promises have not yet come to fruition, but China is committed to upgrading the railway line between Piraeus and Budapest: a gesture appreciated at a time when Europe, in contrast, requires Greece to part with its jewels! China does not however provide us with any lessons with respect to the rule of law or the reception of immigrants…

Mr Jean Bizet, President. – I want to thank you for this very valuable debate. Mr Bonnecarrère, we are actually considering, in the run-up to the European elections in 2019, publishing a citizen's guide to European Union results and perspectives. As Simon Sutour reminded us, Europe, at its own pace, is moving forward! Taking competition law, which five years ago we deemed inappropriate, has seen improvement thanks to the Omnibus regulation. We are now seeking how to portray, without offending, a Europe of differentiated temporality, in concentric circles: the Member States cannot all progress at the same speed. I can confirm that the report will be translated into English.

*

At the close of this debate, the committee unanimously authorises the publication of the information report.