Implementing the European Commission 2014-2019 Working Methods

Instructions to the services

The new Commission has taken a clear commitment to prioritise and streamline its work. This will be achieved through a new way of working with the Vice-Presidents, who were appointed to this function by the President and are coordinating and steering work in the priority areas set out in the Political Guidelines of the President. The principles of subsidiarity, proportionality and better regulation will be at the core of this work, focusing the Commission's efforts on areas where EU action has clear added value and benefit.

This new way of working needs to be fully reflected at services level. These instructions complement the Working Methods of the European Commission 2014-2019 issued by President Juncker on 12 November.[1] They explain that services should seek early political validation of new initiatives and how cooperation between services will be strengthened throughout the policy cycle. The Secretariat-General will play an enhanced coordinating role for major initiatives, supporting the Project Teams led by the Vice-Presidents on behalf of the President. These instructions also clarify a number of changes to internal procedures, including those linked to inter-institutional relations. This will help all of us to reflect the new Working Methods.

These instructions apply with immediate effect. The Secretariat-General is available to answer any queries you may have. Further detail on many of the procedures referenced in these instructions can be found in GoPro, the guide to procedures.[2]

1. COMMISSION AGENDA PLANNING

Early political validation of initiatives, facilitated through a more systematic use of the Commission's Agenda Planning IT Tool, is designed to help the Commission to screen and manage the flow of initiatives in keeping with its Political Guidelines.

The following types of initiative <u>must</u> be entered into Agenda Planning. It will no longer be possible to launch an inter-service consultation (ISC) for these items in the absence of a complete and timely Agenda Planning entry.

'Major Initiatives':

- Initiatives included in the Commission Work Programme
- REFIT items
- New legislative proposals
- Proposals for the negotiation or the conclusion of international agreements
- Policy communications (as well as White Papers and Green Papers)
- Delegated and implementing acts having significant impacts[3]

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[1] C(2014) 9004

[2] https://webgate.ec.europa.eu/fpfis/wikis/display/REGISTRY/Home

[3] DGs should inform their Commissioner and the relevant Vice-President on ongoing work relating to delegated and implementing acts on a regular basis (for example in their Jour Fixe meetings). The Commissioner and the responsible Vice-President are responsible for flagging delegated and implementing acts likely to be sensitive and/or

- Financing decisions having significant impacts
- Other Commission initiatives that are sensitive or important.

These items must be entered into Agenda Planning as soon as the preparatory work starts and at the latest 12 months before their planned adoption date. They must be accompanied by a Roadmap (see section 2).

Major initiatives must be validated by the responsible Commissioner(s), the relevant Vice-President(s) and the First Vice-President, unless they are initiated directly by the President. Services must indicate in the 'Comments' field of Agenda Planning the name and date of agreement of the responsible Commissioner(s) and relevant Vice-President(s). As a rule, validation by the First Vice-President will be sought by the SG, in close consultation with the President's Cabinet, before confirming the item in Agenda Planning. The major initiatives will feature in the regular report sent to the other institutions and published on the Europa site.

All requests to put an initiative on the agenda of a College meeting must be made through Agenda Planning by selecting 'oral procedure' and indicating the preferred date of the College meeting. These requests need to have received validation by the responsible Commissioner(s) and the relevant Vice-President(s) and, as a rule, a favourable opinion of the First Vice-President. The President will decide the agendas for College meetings taking these views into account.

Other initiatives to be entered into Agenda Planning:
- Delegated and implementing acts not having significant impacts
- Commission reports

These items must be entered into Agenda Planning at least 3 months before their planned adoption date, and include a description of their scope and objectives. They must be validated by the responsible Commissioner. They will not feature in the regular report sent to the other institutions.

The following items need not be entered into Agenda Planning but should have the validation of the responsible Commissioner(s) in order to go into inter-service consultation (see section 2.3).

- Commission decisions of an administrative and routine nature
- Intermediate legislative acts (e.g. opinions on Council common positions)
- Implementing decisions under International Treaties, unless judged to be sensitive or important in which case they should be treated as a 'major initiative'
- Financing Decisions of a routine nature
- Information notes for the Commission
- Decisions granting delegated powers (empowerments and delegations)
- Infringement, competition and state aid cases
- Emergency procedures (duly justified)

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to have a significant impact to the First Vice-President and the SG as well as to the President's Cabinet as early as possible.

Further information on which initiatives need to be entered into Agenda Planning can be found on IntraComm[4].

2. POLICY PREPARATION AND INTER-SERVICE COORDINATION

2.1. Applying smart regulation instruments

Roadmaps must be produced for all major initiatives (see section 1). They should outline the context and objectives of the initiative, as well as a preliminary assessment of the problem, the added value of action at EU level, possible policy options and their likely impacts. They should also set out the plans for stakeholder consultation and state whether or not an impact assessment (IA) will be carried out. The SG reviews the draft Roadmap for major initiatives put forward for inclusion in Agenda Planning and confirms whether an impact assessment is required. Following validation of the initiative, the Roadmap is discussed and finalised by the inter-service group (section 2.2). The Roadmap is then published by the SG on the Europa web-site. Stakeholders may provide feedback on published Roadmaps, which should be considered in the subsequent work.

Impact assessments (IAs) are required for all initiatives with significant economic, social or environmental impacts (including non-legislative policy-defining initiatives, legislative proposals and certain delegated and implementing acts). Once an initiative requiring an IA has been validated in Agenda Planning, an inter-service steering group (ISG) shall be set up in agreement with the SG to steer both the IA and policy preparation work (see section 2.2). Draft IA Reports need to be submitted for scrutiny by the IA Board (IAB). A positive IAB opinion is necessary before a formal inter-service consultation can be launched (see section 2.3). Further information can be found in the Impact Assessment Guidelines[5].

Stakeholder consultation must respect the minimum standards for consultation and allow for a 12-week consultation period for open public consultations[6]. Consultation planning must be published on the Your Voice in Europe site[7]. Consultation is an obligation for every IA. The consultation should invite stakeholders' views on all IA elements: the problem definition, subsidiarity, the policy options, and their likely impacts. Consultation results must be reported in a consultation report, as well as in the IA report. Public consultations should also be conducted in the context of ex-post evaluation of existing policies.

The Commission also applies the **'evaluate first'** principle. Evaluations, including wider ranging fitness checks, should precede impact assessment of options for new or amended regulation. Evaluations should respect the Commission's evaluation standards and guidelines[8] and should be steered through inter-service groups (see section 2.2). Evaluations may be done back-to-back with impact assessment work, with results integrated in the IA report.

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[4] https://myintracomm.ec.europa.eu/corp/sg/en/spp/Pages/agd_plan.aspx

[5] http://ec.europa.eu/smart-regulation/impact/index_en.htm

[6] COM(2002)704 and COM(2012)746

[7] http://ec.europa.eu/yourvoice/index_en.htm

[8] http://ec.europa.eu/smart-regulation/evaluation/index_en.htm

2.2.   Inter-service steering groups

Inter-service groups bring together representatives of the relevant services. They can be established to discuss priority cross-cutting issues and are required for the preparation of major initiatives, entailing impact assessments, stakeholder consultations, evaluations and fitness checks.

- *Policy preparation and Impact Assessment stage*

Inter-service steering groups should be set up for all major initiatives (as defined in section 1) once they have been included in Agenda Planning to steer the policy preparation process and, where relevant, the impact assessment work.

For all priority initiatives included in the CWP (annex 1) and certain other important initiatives, the SG will chair the meetings of the steering group. The lead DG and the SG will identify relevant services to be invited to attend the meetings.

For other initiatives requiring an IA, the lead DG should chair the steering group and involve all other relevant DGs.

The ISG should review all of the key elements of the IA[9] and prepare the policy initiative. The lead DG is responsible for drafting both the IA report and the policy proposal, taking account of input from the ISG. Group members should be nominated by their respective DG and should participate proactively contributing their expertise. ISG participants should have sufficient time to review documents ahead of meetings and to make written comments afterwards. Best practice is to circulate documents at least one week before each meeting of the group and to allow one week for written comments.

While a draft Roadmap should be prepared by the lead DG for the Agenda Planning validation and CWP preparation process, the ISG will discuss and finalise the Roadmap at its first meeting. The Roadmap is then published by the SG on the Europa site.

The ISG must be involved in all IA work phases and should have an opportunity to comment on relevant documents (e.g. draft IA sections, consultation strategies/reports, supporting studies, etc.). All draft terms of reference for supporting contracts and studies, as well as all draft consultation texts and questionnaires must be discussed and agreed by the inter-service steering group or via inter-service consultation if agreement cannot readily be found. The ISG should discuss the full draft IA report before it is submitted to the IA Board. It will comment on subsequent changes to the IA Report to take on board the IAB's recommendations, before the launch of the inter-service consultation.

The IA results should be continuously fed into the policy preparation process. The ISG should debate key policy choices and discuss a full draft of the policy initiative (legislative or non-legislative) in conjunction with the IA report, before the launch of inter-service consultation.

- *Evaluation stage*

Inter-service steering groups must also be set up for evaluations and fitness checks. These groups should be chaired by the lead DG with all other relevant DGs involved. Evaluation steering

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[9] To note that some CWP items may not require an IA – see IA guidelines for further guidance.

groups should endorse evaluation mandates and assess the strength of the supporting evidence collected and the conclusions proposed before any further steps, such as submission of a formal report (e.g. intended for the European Parliament or Council) to formal inter-service consultation.

2.3. Inter-service consultation

Inter-service consultation should take place for all documents requiring a decision by the College as provided for in Article 23 of the Commission's Rules of Procedure, as well as for staff working documents. For proposals having an IA, the IA Report, the executive summary, as well as the IAB opinion(s) should be included in the ISC.

Before launching an ISC for major and other initiatives to be entered into Agenda Planning (as defined in section 1), the responsible service must obtain the agreement of the responsible Commissioner(s), the relevant Vice-President(s) and the First Vice-President.

Services must indicate in the 'Comments' field of the ISC tool the name and date of agreement of the responsible Commissioner(s), the relevant Vice-President(s) and the First Vice-President. [10]

Other initiatives should have the validation of the responsible Commissioner in order to go into inter-service consultation (see section 1).

A consulted service must inform its Cabinet of any important ISC on which it is consulted. With the exception of the Legal Service, if a consulted service intends to issue a negative opinion it must obtain the prior agreement of its Cabinet.

- *Fast-track procedure*

In exceptional cases where a fast-track consultation is considered necessary, the responsible service contacts the SG to explain the reason for urgency, which inter-service contacts have already taken place and the reason why it was not possible to launch the procedure earlier. If the SG agrees that a fast-track procedure is justified, a date and venue is agreed. The formal request is then made by the responsible service in the ISC tool. At least 48 hours should elapse between the circulation of documents and the start of the meeting.

The responsible service is encouraged to forewarn consulted services of the likelihood of a fast-track procedure to allow consulted services to prepare to the maximum extent. Consulted services are encouraged to submit drafting and other minor comments in advance, to ensure that fast-track meetings can concentrate on the essential points. The fast-track meeting, chaired by the SG, closes the ISC so all participants should have the mandate required from their hierarchy to finalise the position of their DG at the meeting. The outcome of the meeting is recorded by the SG. After the fast-track meeting, the responsible service resumes its responsibilities for the file, by adding the minutes in the dedicated tool, encoding the replies of the consulted services and uploading the revised consultation documents.

3. ARRANGEMENTS FOR VICE-PRESIDENTS

- *Organisation of Vice-Presidents' Project Team meetings*

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[10] The ISC tool will be adapted over time to provide for electronic confirmation of agreement by the relevant Cabinets. In the meantime the responsible DG must ensure that all the necessary agreements have been given.

Vice-Presidents steer and coordinate work across the Commission in the key areas of the President's Political Guidelines. Where Vice-Presidents call, in close consultation with the President's Cabinet, Project Team meetings bringing together Members of the Commission and the services, the SG organises these meetings, assists in the preparation of the agenda, provides the minutes and coordinates the follow-up. Requests from Vice-Presidents to Commissioners and to Commission services for meetings with several Commissioners and/or the services that report to them should be made via the SG[11] and in close consultation with the Cabinet of the President to ensure effective delivery and to avoid duplication of work.

In order to reflect the political character of the Commissioner Project Teams, only Members of the Commission should intervene during Project Team meetings, but they may be accompanied by their Head of Cabinet and Director-General. Where a Member of the Commission is unable to attend a meeting, he or she may be replaced by his or her Head of Cabinet as an observer. Other people may only participate at the invitation of the Vice-President chairing the Project Team. A member of the Cabinet of the President and a senior representative of the SG also participate in Project Team meetings. Minutes are taken by a SG staff member.

- *Briefings*

The SG (Unit F4) coordinates the preparation of briefings for the President and Vice-Presidents. In the preparation of briefings, the following steps are followed[12].

Box 1. Preparation of briefings

- The President's or Vice-Presidents' Cabinet sends a request to the SG[13], indicating who he/she is meeting and the topics to be discussed. While some events can be planned well in advance (e.g. College visits to incoming Presidencies, conferences), others may need to take place at short notice. Where possible, a deadline of at least 10 working days shall be given.

- In cases where the SG needs input from other services, it sends out a briefing request asking DGs for contributions. The request sets out the details of the meeting, the subjects to be covered, the language of the briefing, and the deadline for the contributions. It also sets out the type of briefing material that is requested (background, speaking points, defensives, etc.) and the format in which it should be delivered.

- The SG attributes specific issues in the briefing request to lead DGs, and associates DGs, if appropriate. As is the case now, where there are questions about reattributions of specific files in the briefing request, DGs are invited to signal this to the SG, which will then look into the issue, and reattribute, where required.

- The SG asks DGs to send a finalised briefing contribution. Lead DGs should ensure that the text is cleared at the appropriate level, including with respective Cabinets, as well as with associated DGs, where relevant. Once cleared at the appropriate level in the DG, the briefing should then be sent to the SG to be edited and incorporated into the overall briefing file for the President or Vice-Presidents.

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[11] Requests should be sent to the assistants of the Secretary-General

[12] https://myintracomm.ec.europa.eu/corp/sg/en/briefings/Pages/index.aspx

[13] To functional mailboxes: "SG Briefings President" for the President, "SG Briefings VPS" for Vice-Presidents

- Contributions should be transmitted to the relevant SG functional mailbox "SG Briefings President", "SG Briefings VPS", "SG EP Briefings", "SG International", "SG Council", "SG G8/G20", according to the type of briefing.
- DGs are invited to transmit updates if important developments take place between the transmission of their contributions and the date of the meeting.

- *Correspondence*

The SG (Unit R2) manages the correspondence addressed to the President and Vice-Presidents should they so request. It ensures the coordination between the Vice-Presidents and other Cabinets or concerned services for this correspondence. Vice-Presidents' correspondence is entirely managed through ARES.

Box 2. Management of correspondence addressed to the Vice-Presidents

- The President's or Vice-President's Cabinet sends a request to the SG through ARES[14], providing instructions on level of signature, deadline, type of reply and line to take.

- The SG prepares direct standard replies (e.g. replies to invitations, thank-you letters, acknowledgement of receipt) to be signed by the President/Vice-President, a member of their Cabinet or by SG (R2).

- The SG assigns correspondence to the lead DG, and if necessary to associated DG(s), for the preparation of substantive draft replies to be signed by the President/Vice-President (or a Cabinet member) or for replies to be given on behalf of the President/Vice-President. DGs are invited to signal to SG any problem regarding attribution.

- The lead DG prepares and clears the draft reply at the appropriate level in the DG and with the relevant Cabinet, as well as with associated DGs/Cabinets and sends it to SG.

- SG checks the format of the draft answers prepared by the relevant services, and ensures its validation and signature at President/Vice-President Cabinet level. Upon request, SG can provide support for the registration, filing and sending of the replies.

- Lead DGs should alert the SG if important developments take place between the submission of the draft reply to SG and its sending.

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4. INTERINSTITUTIONAL

- *Interinstitutional relations group (GRI)*

The GRI ensures collegial decision-making throughout the interinstitutional process. GRI fiches should be submitted to the GRI secretariat sufficiently in advance – in principle at least three days before the GRI meeting – in order for them to be distributed two days ahead of the GRI meeting.

Box 3. Specific deadlines for GRI fiches for an EP plenary

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[14] To Ares virtual entity : ve_sg.cdp

- The preliminary draft agenda of an upcoming EP plenary is usually known when the EP's Conference of Presidents approves it during the *preceding* plenary.

- On the basis of the preliminary draft agenda, the SG draws up an indicative list of files for which it suggests to prepare GRI fiches or to distribute speaking points to the GRI. Fiches for files and speaking points identified in that list need to be circulated to the GRI three days before the GRI meeting.

- The Conference of Presidents approves the final agenda of the plenary session on the Thursday of the week preceding the Plenary. The SG then informs the services on any need for *complementary* GRI fiches or speaking points. These are distributed to GRI as soon as they become available.

When preparing GRI fiches, services should use the standard templates provided by the SG. The author services should pre-consult on draft fiches with all other relevant services. Moreover, a fiche submitted to the GRI secretariat will only be distributed to the GRI if the author services have:

- pre-consulted SG and LS when preparing the draft fiche;

- obtained the agreement of the Cabinets of the relevant Commissioner(s) and Vice-President(s). Services should indicate to the GRI secretariat which Cabinets have given their agreement to the draft fiche.

If a GRI fiche raises particular issues within the competencies of the First Vice-President or the Vice-President for Budget and Human Resources, their Cabinets must also be consulted before circulation of the fiche.

Each file submitted to GRI for approval by the Commission (typically GRI fiches on proposals submitted to the legislators) must subsequently appear on the agenda of a Hebdo and a Commission meeting for adoption. If there is no GRI meeting, a file can be put to a "virtual GRI" (consultation of Cabinets by e-mail) before being submitted to a Hebdo and to a Commission meeting.

Any other file that does not require formal approval by the College, but where collegiality requires that the Commissioners should have the possibility to comment or react before a position is taken on behalf of the Commission, has to be submitted to GRI for validation or for information. This concerns, in particular, fiches for non-legislative files, speaking points for interventions in the European Parliament and the Council, but also correspondence (such as letters to the Presidency or to Ministers or the European Parliament on files in the ordinary legislative procedure), position papers, statements to the minutes or declarations that may commit the Commission.

Services are requested to flag in their GRI fiches any institutional issues relating to delegated and implementing acts, such as questions on delineation, new empowerments added in the legislative process, wording that deviates from agreed standard clauses and procedural questions relating to empowerments.

- *Attendance at meetings in the European Parliament*

Parliamentary Committee meetings are attended by Commission services whereas the presence of Members of the Commission is reserved for special events (e.g. public hearing, structured dialogue, etc.) based on an invitation from the Committee. The Commission services must be represented by a "competent official at appropriate level" (Framework Agreement, point 50).

The Commission services are responsible for attending and reporting on issues within their area of responsibility, including explaining and defending the Commission's position. The SG normally attends meetings of Committees and is responsible for informing services about agenda changes.

After each official committee meeting, the SG draws up a summary report (SP Notes – available in VISTA) which includes contributions from the various services; contributions should be transmitted to the SG no later than 24 hours after the end of the meeting. General rules on reporting are available in SEC(2008)549 and the related guidelines.

In plenary debates the Commission is represented by Members of the Commission. Officials cannot take the floor on behalf of the Commission but their presence may be required to provide assistance to the Member of the Commission.

The detailed rules and procedures for ensuring appropriate presence of Members of the Commission in plenary are set out in a separate note circulated to the GRI, building on the mandate given by the President to the Vice-Presidents to manage and coordinate the institutional representation of the Commission. The SG also plays a role in monitoring and facilitating this in constant dialogue with the responsible services of the European Parliament. The SG also informs Cabinets and services of any changes to the plenary agenda before or during the session.

The SG is present for each plenary debate and can provide horizontal and technical assistance. The SG also reports on Parliament's plenary proceedings (SP Notes – *Session en Bref /Note on Legislation*).

The preparation of Members of the Commission for plenary debates is the responsibility of the relevant services (even in cases where the relevant Commissioner is replaced), both concerning the intervention and briefing/background information. Services also need to provide a *dossier de vote* which enables the Member of the Commission covering the votes in the plenary to take the floor, if needed or so requested. Guidelines are set out in SP(2008)5825/2.

The positions taken by the Members of the Commission must have been formally validated and collegially endorsed; this is ensured by the preparatory GRI procedures in the weeks leading up to the plenary. The GRI Secretariat communicates systematically to Cabinets and their services the list of agenda items on which GRI fiches/speaking points need to be circulated.

-   *Follow up to European Parliament resolutions*

Under the Framework Agreement on relations between the European Parliament and the Commission, the Commission has undertaken to provide information on action taken in response to the Parliament's legislative and non-legislative resolutions within three months of their adoption. The operational guidelines for the follow-up procedure are set out in SP(2007) 4487, ensuring that all documents indicating the Commission's follow-up on Parliament's legislative and non-legislative resolutions are endorsed by the GRI and approved collegially by the Commission before being transmitted to Parliament. For this purpose, there are two different procedures, for the follow-up given to legislative and non-legislative resolutions (the procedures were established, respectively, in SP(1994) 2760/2) and SP(2004) 1951):

After each plenary session, on Friday at the latest, SG circulates a list of all legislative resolutions (*suites à donner / suites données*), indicating both the competent DG and Member(s) of the Commission responsible for the respective legislative proposals. This list is then submitted for approval at the first Hebdo and Commission meetings after the plenary. Follow-up fiches are

requested only on legislative resolutions which amend the Commission's proposal or the Common Position. Therefore, no follow-up is needed if Parliament adopts a Commission proposal or a Common Position without amendments or for the result of a conciliation procedure, if Parliament rejects a Commission proposal or if Parliament refers a proposal back to committee.

Within seven working days of receipt of the list, DGs are required to provide follow-up fiches in either English or French after approval by their respective Cabinet(s) and the Legal Service, using templates which vary slightly according to the legislative procedure or the stage of the procedure. Upon receipt of all the follow-up fiches from DGs, as endorsed by the responsible Cabinets, for all parliamentary part-sessions during a particular month, SG submits the fiches in a single document (Commission Communication on the action taken on the opinions and resolutions adopted by the EP) to the following GRI, Hebdo and Commission meetings for endorsement. Once approved and translated, they are transmitted to Parliament, which makes them public.

After each plenary session, SG circulates a list of those non-legislative resolutions *(suites à donner / suites données)* that contain requests specifically addressed to the Commission, indicating both the competent DG and Commission Member(s) responsible for a particular policy area. GRI takes note of this list in its first meeting after the plenary session.

Within seven working days of receipt of the list, DGs, after approval by the Cabinet(s) responsible, are required to inform SG which non-legislative resolutions they consider to have, exceptionally, already been addressed, giving a justification as to why no written follow-up is required (e.g., full reply already provided by the Commission during the plenary debate or request wrongly addressed to the Commission). A list of non-legislative resolutions on which DGs consider no further action is required is endorsed by GRI and, subsequently, Hebdo and the Commission as the second part (non-legislative resolutions) of the Commission Communication on the action taken on the opinions and resolutions adopted by the Parliament.

Within five weeks of the circulation of the list, DGs are required to provide follow-up fiches in either English or French after approval by their respective Cabinet(s) and the Legal Service using a template provided by the SG. Upon receipt of all the follow-up fiches from DGs, SG submits them in a single document (Approval of the action taken on the non-legislative resolutions adopted by the EP) to the following GRI, Hebdo and Commission meetings for endorsement. Once approved and translated, they are transmitted to Parliament, which makes them public.

Particular attention must be given to those non-legislative resolutions in which the EP calls on the Commission to present a legislative proposal in accordance with Article 225 TFEU. The proposed Commission response to an Article 225 resolution should always be the subject of a dedicated GRI fiche.

It is essential that DGs respect deadlines in order to allow the Commission to respect the three-month deadline.

- *European Parliament questions*

Replies to Parliamentary Questions (PQ) are to be sent in the name of the competent Member of the Commission: a Vice-President in case strategic or cross-cutting issues are addressed, or a Commissioner in case a sectoral matter is addressed. In the latter cases, the relevant Vice-President(s) should be consulted and give his/her agreement to the replies given.

Box 4: Preparation of replies to EP questions

In line with the Commission's Working Methods, the Spokesperson's Service will be informed in real time of all incoming PQs and of all responses given to them.

- *National Parliament opinions*

The Commission provides replies to reasoned opinions issued by national Parliaments under Protocol 2 to the Treaties as well as to opinions they adopt in the framework of the *political dialogue* established by the Commission with all national Parliaments. Replies are co-signed by the First Vice-President and either the responsible Vice-President in case strategic or cross-cutting issues are addressed or the responsible Commissioner in case a sectoral matter is addressed.

- All replies are adopted by First Vice-President Timmermans by empowerment in the name of the Commission and co-signed by the First Vice-President and either the responsible Vice-President, in case strategic or cross-cutting issues are addressed, or the responsible Commissioner in case a sectoral matter is addressed.

Guidance about the drafting of replies can be found in the note of 5 June 2013 from the Secretary-General[15] which also includes guidelines on the practical implementation of Protocol No 2 (the subsidiarity control mechanism)[16].

- *Appearances before national Parliaments*

If a Commission official is invited to appear before a national Parliament committee, the person should ask for prior approval from his/her Cabinet. Furthermore, the Commission official should inform the GRI and the Commission Representation in the Member State where the visit will take place.

Information about the name and title of the Commission official, the date of the visit, the national Parliament/chamber visited should be sent together with the confirmation of the Cabinet's approval to the functional mailbox SG NP VISITS.

Heads of Commission Representations and European Semester Officers are authorised to appear before national Parliaments without prior individual approval from their Cabinets (in line with the MOU agreed by the SG, DG ECFIN and DG COMM). Special rules continue to apply for Commissioners and all Commission officials who are asked to give evidence before a committee of inquiry of a national Parliament (normally under oath). In such cases, authorisation by the College is required on the basis of a GRI fiche setting out the background, the scope of the committee of inquiry and defining the mandate of the official.

- *Preparation of follow-up to Opinions of Advisory Bodies*

The Commission provides follow-up to the opinions of the Advisory Bodies (Committee of the Regions and European Economic and Social Committee).

The Commission systematically gives reasons for following up or not on the proposals for changes to its proposals and the substantive suggestions in the European Economic and Social Committee (EESC) and the Committee of the Regions (CoR) opinions, including the response to the possible subsidiarity concerns expressed by the CoR. This applies to all opinions from the Committees including exploratory and outlook opinions.

After every second plenary session of each Committee, the SG sends to DG coordinators a list of all opinions adopted by the EESC and the CoR, indicating the DG responsible for the proposals.

Within fifteen working days of receipt of the list, DGs are required to provide follow-up fiches approved by their Cabinet and the Cabinet(s) of the relevant Vice-President(s), using the templates provided for this purpose.

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[15] ARES(2013)1752339

[16] https://myintracomm.ec.europa.eu/sg/natparl/Pages/index.aspx

The SG consolidates these follow-up fiches into a draft follow-up report and submits it to the Legal Service for agreement and to the GRI for approval. Once endorsed by the College, the fiches are transmitted by the SG to the EESC/CoR and are subsequently made public.

- *Preparation of replies to the Ombudsman*

The Commission replies in writing to all inquiries of the Ombudsman as well as to her closing decisions. When an Ombudsman inquiry/decision is received, the SG assigns the file to the lead service which prepares the draft reply. The Legal Service, the SG, DG Budget (if the decision is likely to have budgetary consequences) and other relevant services are consulted on the draft. The inter-service consultation takes place in the BASIL database. The Ombudsman addresses her inquiries/decisions to the President of the Commission whereas the Commission's reply is adopted by the Member of the Commission in charge of the matter in question and empowered to do so in the name of the Commission.

Prior to adoption, the Cabinet of the lead service is asked to give its agreement to the draft reply in BASIL. The agreement of the First Vice-President and, if the reply touches upon strategic or crosscutting issues, the agreement of the relevant Vice-President(s), is required during the adoption phase.

- *Preparation of replies to petitions*

The Committee on Petitions of the European Parliament asks the Commission for information/preliminary investigation on petitions which allege a lack of compliance with particular EU legislation on behalf of a Member State or an Institution. As soon as the Commission receives a petition, the SG attributes it to the competent lead service, if necessary associating other services. The lead service, in conjunction with any associated services, prepares a draft response to the European Parliament within the time limit set by the SG.

The lead DG sends the Commission's draft response for approval to the lead Cabinet, the Legal Service, any associated Cabinets and DGs. The SG will also invite the Cabinet(s) of the relevant Vice-President(s) to give its agreement.

The SG subsequently transmits the Commission's replies (so-called communications) to the secretariat of the Committee on Petitions.

The entire process is managed within the IT application *PETITION2* hosted by the SG.