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To:	Permanent Representatives Committee
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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU, Euratom) No. 1141/2014 of the European Parliament and the Council of 22 October 2014 on the statute and funding of European political parties and European political foundations – *Presidency debriefing on the outcome of the trilogue* – *Analysis of the final compromise text with a view to agreement*

I. INTRODUCTION

1. On 19 December 2018, COREPER gave a mandate[1] to the Presidency to start negotiations with the European Parliament on the Commission proposal amending Regulation (EU, Euratom) No. 1141/2014 of the European Parliament and the Council of 22 October 2014 on the statute and funding of European political parties and European political foundations - 2018/0336 (COD).

2. In view of the next European elections, the amendment to Regulation No. 1141/2014 should enter into force before the electoral campaign. On 16 January 2019, the first and

[1] 15420/18 + ADD1

final trilogue took place and co-legislators reached a provisional agreement. The final compromise text can be found in ADD1.

II. MAIN ELEMENTS OF THE FINAL COMPROMISE TEXT

3. The informal trilogue endorsed the compromise found at technical level. Having regard to the COREPER mandate, some changes were introduced in the provisions concerning the verification procedure (Article 10a) and the review of a decision of the Authority for EU Political Parties (Article 27 (7)), as well as in the recital on the *ne bis in idem* principle and the right to be heard (Recital (4a) (New)).

4. The verification procedure as proposed by the Commission raised concerns both for Member States and for the EP, which proposed amendments to the text in similar directions (avoidance of double sanctioning, non-automatism of the committee opinion on the Authority decision, deadline for the request of the committee opinion).

5. Regarding the verification procedure (Article 10a), the compromise text now includes two new paragraphs from the EP position: paragraph 1, describing the prohibition of deliberately influencing or attempting to influence the outcome of the EP elections by taking advantage of an infringement, by a natural or legal person, of the applicable rules on the protection of personal data; and paragraph 4, specifying that a decision of the Authority should be duly reasoned and published. The Presidency considered that the two new paragraphs add clarity to the text while not creating any substantial change (the decisions of the Authority actually have to be reasoned and published as per Article 32 of the current Regulation).

6. More problematic was the EP's request of the EP to trigger the verification procedure only with a notification from the national supervisory authority, as it would have created a new task for the national authorities not included in the General Data Protection Regulation (GDPR). The Presidency proposed as a compromise to change the words "becomes aware" for "is informed", which were more acceptable for the EP, while not prejudging (and at the same time not precluding) an active role for the national supervisory authorities, thus safeguarding the intention behind the COREPER mandate.[2]

[2] Co-rapporteur Wieland alerted of possible translation problems, for instance in his mother tongue (DE), to be controlled by the lawyer linguists to be sure that the wording found in the different linguistic versions allows both for being officially informed of a national supervisory authority decision and for the Authority finding out itself of such decision.

7. In addition and in the same spirit, the possibility for the Authority, if necessary, to liaise with the national supervisory authority concerned was included.

8. As regards Article 27(7) and the possibility for the Authority to review a sanction imposed on a European Political Party or Foundation where the decision of the national supervisory authority has been repealed or a remedy against it has been successful, the final compromise text clarifies, for the sake of legal certainty, that the review should only intervene provided that all national remedies have been exhausted.

9. Concerning the new Recital 4, the final compromise text is mainly drafted on the basis of the COREPER text, by incorporating the *ne bis in idem* principle, the principle of legal certainty and the right to be heard. Only the final part of the COREPER text was deleted during negotiations, as both the EP and the Commission found the phrase "non-negligible extent" difficult to define.

III. CONCLUSION

10. The Permanent Representatives Committee is invited to approve the final compromise text as set out in ADD 1 and to agree to send a letter to the EP accordingly, with a view to securing an agreement on this legislative file.