Council of the European Union

Brussels, 26 February 2019
(OR. en)

6865/19

Interinstitutional File: 2017/0219(COD)

INST 50
PE 50
FIN 177
CODEC 525

COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2019) 94 final
Subject:	REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL on the exercise of the delegation conferred on the Commission pursuant to Regulation (EU, EURATOM) No 1141/2014 of the European Parliament and of the Council of 22 October 2014 on the statute and funding of the European political parties and the European political foundations

Delegations will find attached document COM(2019) 94 final.

Encl.: COM(2019) 94 final

EUROPEAN
COMMISSION

Brussels, 22.2.2019
COM(2019) 94 final

REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the exercise of the delegation conferred on the Commission pursuant to Regulation (EU, EURATOM) No 1141/2014 of the European Parliament and of the Council of 22 October 2014 on the statute and funding of the European political parties and the European political foundations

1. INTRODUCTION

Regulation (EU, Euratom) No 1141/2014 on the statute and funding of the European political parties and the European political foundations[1] (hereinafter "the European political parties Regulation") lays down the conditions governing the statute and funding of political parties and political foundations at European level. In light of this Regulation, the European political parties and foundations which satisfy a number of conditions can become European legal entities by registering at European level, thereby obtaining access to European financial support. These conditions include the respect, both in their programme and activities, of the values on which the Union is founded, listed in Article 2 of the Treaty on European Union: respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of people belonging to minorities. An independent Authority for European political parties and foundations ("the Authority") was created for the purpose of registering, monitoring and, if necessary, imposing sanctions on European political parties and foundations, including to consider cases where such entities allegedly fail to respect these fundamental European values.

The European political parties Regulation was adopted on 22 October 2014 and entered into force on the twentieth day after publication in the Official Journal, i.e. on the 24 November 2014. This Regulation is applicable for most of its provisions since 1 January 2017. However, the Commission was asked to adopt delegated acts referred to in Article 7(2) and in point (a) of Article 8(3) by no later than 1 July 2015.

2. LEGAL BASIS

The present Report is required by Article 36(2) of the European political parties Regulation. Pursuant to this provision, the delegation is conferred on the Commission for a period of five years from 24 November 2014 and the Commission is required to make a report in respect of the delegated powers not later than nine months before the end of the five-year period, i.e. before 24 February 2019. The same Article states that the delegation of power shall be tacitly extended for periods of identical duration, unless the European Parliament or the Council opposes such extension no later than three months before the end of each period.

3. EXERCISE OF THE DELEGATION

According to the European political parties Regulation, the Commission is empowered to adopt delegated acts in order to:

a. ensure the proper functioning of the Register of European political parties and foundations concerning (cf. Article 7(2) of the European political parties Regulation):

    i. the information and supporting documents held by the Authority for which the Register is to be the competent repository (which shall include the statutes, any other documents submitted as part of the application, any documents received from the Member State of the seat, information on the identity of persons who are members of bodies or hold offices that are vested with powers of administrative, financial or legal representation);

[1] OJ L 317 of 4 November 2014, p. 1.

ii. materials for which the Register is to be competent to certify legality as established by the Authority.

b. identify supplementary information or supporting documents necessary to allow the Authority to fully discharge its responsibilities in relation to the functioning of the Register of European political parties and foundations (cf. Article 8 (3)(a) of the European political parties Regulation);

c. amend the standard declaration in the annex of the European political parties Regulation in respect of the particulars to be filled in by the applicant where necessary, in order to ensure that sufficient information is being held in relation to the signatory, his or her mandate and the European political party or foundation which he or she is mandated to represent (Article 8 (3)(b) of the European political parties Regulation).

The Commission adopted one delegated act based on the Articles 7(2) and 8(3)(a) above, i.e. the Commission Delegated Regulation (EU, Euratom) 2015/2401 of 2 October 2015 on the content and functioning of the Register of European political parties and foundations.[2]

The exercise of this empowerment was essential to specify which information, supplementary and supporting documents are to be held in the Register.

3.1. DELEGATED ACT SUPPLEMENTING THE EUROPEAN POLTICAL PARTIES REGULATION

According to Article 7(1) of the European political parties Regulation, the Authority shall establish and manage a register of European political parties and foundations ("the Register"). This Register is the repository of data, particulars and documents submitted with applications for registration as a European political party or a European political foundation, as well as any subsequent data, particulars and documents submitted by a European political party or foundation pursuant to the European political parties Regulation.

The Delegated Regulation (EU, Euratom) No 2015/2401 was adopted based on Article 7(2) and 8(3)(a) of the European political parties Regulation. It establishes documents which shall be provided by the European political parties and foundations to the Register, such as statutes, the standard declaration annexed to the European political parties Regulation; detailed description of the financial, governance and management structure and statements from Member States certifying that the applicant complied with all relevant national requirements (where required). The Delegated Regulation also specifies the information, which shall be kept up-to-date in the Register, such as *inter alia* the type of the entity; the registration number; the full name, acronym and logo; the Member State where the European political party or foundation has its seat; the address of the seat, the date of registration and other.

The Delegated Regulation (EU, Euratom) No 2015/2401 was adopted on 2 October 2015 and notified to the European Parliament and to the Council. Neither the European Parliament nor the Council issued any objection to the delegated act within the period of two months as provided for in Article 36(5) of the European political parties Regulation. None of the Institutions initiated an extension of the two-month period by additional two months in accordance with the same provision.

On the expiry of the two-month period, the Delegated Regulation (EU, Euratom) No 2015/2401 was published in the Official Journal[3] and entered into force on 8 January 2016.

[2] OJ L 333 of 19 December 2015, p. 50.

The Commission has not yet adopted delegated acts based on Article 8(3)(b) of the European political parties Regulation aiming to amend the standard formal declaration in the annex, since the standard declaration annexed to the European political parties Regulation still holds and more experience with the application of the European political parties Regulation is needed in order to assess the necessity of its amendment.

4. CONCLUSION

The Commission has exercised the delegated powers conferred to it under Article 7(2) and 8(3)(a) of the European political parties Regulation. The Commission sees the need to extend this empowerment to possibly modify or further specify in the future which information and supporting documents are to be held in the Register of European political parties and foundations.

The Commission considers that the delegated powers conferred to it under Article 8(3)(b) of the European political parties Regulation are necessary for the purposes of amending the standard declaration in the annex. More experience with the application of the European political parties Regulation is needed in order to assess the necessity of such arrangements.

With this Report, the Commission complies with the reporting requirement under Article 36(2) of the European political parties Regulation and invites the European Parliament and the Council to take note of this Report.

[3] The Delegated Regulation No 2015/2401 was published in the Official Journal on 19 December 2015.