

From: [REDACTED] (ENER)
Sent: mercredi 25 septembre 2019 11:58
To: [REDACTED] (ENER)
Cc: [REDACTED] (ENER); [REDACTED] (ENER); [REDACTED] (ENER)
Subject: EP involvement in the PCI list: Flash from the meeting with ITRE Secretariat

Dear [REDACTED],

Following the discussion we had on Monday, [REDACTED] and I met this morning with [REDACTED] from the ITRE Secretariat to provide an overview of EP's involvement in the 4th PCI list.

- Our overview was met with criticism grounded on procedural aspects: ITRE Secretariat claims that in line with article 15 of the interinstitutional agreement, the Commission has a legal obligation to provide full information and documentation used in the preparation of a delegated act through official channels to the European Parliament services and notify them when doing so. Below the article referred to and its scope. Our outreach to assistants/MEPs during the PCI process is considered technical/political and allegedly does not fulfil our obligations under article 15.

[REDACTED] and I briefly mentioned the specific case of the PCI list delegated act and the openness and inclusiveness of the regional groups and the lack of expert groups in the procedure.

- ITRE warned that the lack of reaction from the Commission before the adoption of the list on the procedural involvement of the Parliament in the process will trigger a complaint from the ITRE Chair following a recommendation from the Secretariat.
- ITRE called for the following:
 - For tomorrow at the latest: to send the overview, documentation and attendance to the regional group meetings for further dissemination to MEPs in ITRE;
 - By adoption: high-level letter and/or technical meeting/ debrief to ITRE services/ staff on the actions taken by the Commission to associate the Parliament to the 4th list.

Our immediate follow-up should include:

- A brief legal analysis and lines to take on whether or not article 15 applies in this case and what are our obligations;
- Agreement on next steps, including on their suggestion for actions.

Thank you,

[REDACTED]

15. *The Commission will provide full information and documentation on its meetings with national experts within the framework of its work on the preparation and implementation of Union legislation,*

*including soft law and delegated acts. If so requested by Parliament, the Commission may also invite Parliament's experts to attend those meetings.
The relevant provisions are laid down in Annex I.*

Annex I - Scope

The provisions of point 15 of the Framework Agreement concern the following meetings:

- (1) Commission meetings taking place within the framework of expert groups established by the Commission to which national authorities from all Member States are invited, where they concern the preparation and implementation of Union legislation, including soft law and delegated acts;*
- (2) ad hoc Commission meetings to which national experts from all Member States are invited, where they concern the preparation and implementation of Union legislation, including soft law and delegated acts.*

Meetings of comitology committees are excluded, without prejudice to existing and future specific arrangements concerning the provision to Parliament of information concerning the exercise of the Commission's implementing powers (1).