

Agreement between the European Parliament and the Commission on the exercise of implementing powers conferred on the Commission, comitology

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The Committee on Constitutional Affairs adopted a report drafted by Monica **FRASSONI** (Greens/EFA, I) on the conclusion of an interinstitutional agreement between the European Parliament and the Commission on procedures for implementing Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission, as amended by Decision 2006/512/EC. The Committee approves conclusion of the new Agreement and expects its full implementation without delay after its approval. It expects that the Commission will fully adhere to all provisions of the new Agreement, which is unfortunately not the case as regards the 2000 Agreement. Members recall that certain provisions on procedures for implementing Council Decision 1999/468/EEC ("the 2000 Agreement") have unfortunately been disregarded by the Commission. These include the provision that Parliament is to receive, at the same time as the members of the committee and on the same terms, the various comitology documents. Those documents are almost always sent to Parliament too late and, in any case, not at the same time as to the members of the committee. Procedures for implementing Council Decision 1999/468/EEC were highly unsatisfactory and, with the exception of the procedures for the new regulatory procedure with scrutiny, still are, due inter alia to the way in which the comitology database has operated. Documents are often sent in bits and pieces and without a clear explanation of their status, and sometimes under misleading headings, e.g. draft implementing measures that have not yet been voted on in committee are sent under the heading "right to scrutiny", when they should be sent under the heading "right to information", which makes it unclear which deadlines apply. Members feel that this problem reduces still further Parliament's already very limited control over comitology matters,

In the draft accompanying resolution, the Committee emphasises that, when applicable, reference to the regulatory procedure with scrutiny is obligatory for all three institutions and is not subject to bargaining or negotiation. It calls on the Council, the Commission and all parliamentary committees to take this circumstance duly into account in all relevant legislative procedures. The Committee calls on the Council and the Commission, in the case of grey areas where it may be unclear whether the new regulatory procedure with scrutiny, or another comitology procedure, is to apply, to apply the new regulatory procedure with scrutiny. It stresses that the sole purpose of the new regulatory procedure with scrutiny is to strengthen Parliament's right of control, and that it in no way changes the scope of implementing powers that can be conferred on the Commission.

Members point out that effective operation of the new register will be the decisive element with regard to satisfactory implementation of the new Agreement. After the transitional period, Parliament and the Commission should correct any practical difficulties and faults which may emerge. The Commission is asked to change its internal procedures to ensure that a distinction is made between, on the one hand, draft measures which must be sent to Parliament under its right to information at the same time as to the relevant committee and, on the other hand, draft measures which must be sent to Parliament so as to enable it to exercise its right of scrutiny.

The Committee welcomes the introduction of an "early warning system" whereby Parliament is informed as soon as becomes apparent that urgent draft implementing measures are going to be submitted to a committee, but insists that this must not be used to turn non-urgent matters into urgent ones, as curtailed

time-limits may apply only in duly substantiated, exceptional cases. The Commission is asked to submit to Parliament, upon request, any background document that relates to the draft implementing measure.

Lastly, the report states that the Committee does not share the Commission's view that draft implementing measures submitted to it are not to be made public until the vote in the committee, and insists on its right to consult whomsoever it may wish in relation to any draft measures. The Commission is asked to reconsider its view.