

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

2008/2002(ACI) - 08/05/2008 - Text adopted by Parliament, single reading

The European Parliament adopted, by 589 votes to 7 with 11 abstentions, a decision 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 (comitology). The report was tabled for consideration in plenary by Monica **FRASSONI** (Greens/ALE, IT) on behalf of the Constitutional Affairs Committee.

Parliament approves conclusion of the new Agreement and expects its full implementation without delay after its approval. It decides to annex the Agreement to its Rules of Procedure, replacing Annex XII thereof.

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") had unfortunately been disregarded by the Commission. Parliament 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. Parliament 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.

It 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.

Members welcome the fact that the Agreement defines more precisely the Commission's obligation to inform Parliament under Article 7(3) of Decision 1999/468/EC by stipulating that Parliament is to be informed of the proceedings of the committees in accordance with arrangements which ensure that the transmission system is transparent and efficient and that the information forwarded and the various stages of the procedure are identified.

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.

Parliament 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. It points out that, in order to exercise its right of scrutiny on the basis of adequate information, Parliament needs to be regularly provided with all the background documentation explaining why the Commission is proposing certain measures. It

therefore calls on the Commission to submit to Parliament, upon request, any background document that relates to the draft implementing measure.

Lastly, Parliament states that it 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 and to make all draft implementing measures public as soon as they are formally proposed.