Joint declaration on practical arrangements for the codecision procedure (Article 251 of the EC Treaty)

2005/2125(ACI) - 13/06/2007 - Final act

PURPOSE: to provide a series of practical arrangements for the codecision procedure between the European Parliament, the Council and the Commission in order to facilitate future interinstitutional cooperation in a constructive and flexible way.

ACT: Joint Declaration on the practical arrangements for the codecision procedure (Article 251 of the EC Treaty).

CONTENT: the European Parliament, the Council and the Commission, note that current practice involving informal talks between the Council Presidency, the Commission and the chairs of the relevant committees and/or rapporteurs of the European Parliament and between the co-chairs of the Conciliation Committee has proved its worth. The institutions confirm that this practice, which has developed at all stages of the codecision procedure, must continue to be encouraged.

This Joint Declaration clarifies these working methods, and the practical arrangements for pursuing them. It complements the Interinstitutional Agreement on Better Lawmaking and notably its provisions relating to the co-decision procedure.

Among the general principles to be implemented throughout the codecision procedure by the European Parliament and the Council with a view to reaching an agreement, one notes:

- cooperation in good faith throughout the procedure with a view to reconciling their positions as far as possible and thereby clearing the way, where appropriate, for the adoption of the act concerned at an early stage of the procedure;
- cooperation through appropriate interinstitutional contacts to monitor the progress of the work and analyse the degree of convergence at all stages of the codecision procedure;
- regular exchange of information on the progress of codecision files;
- coordination of the institutions respective calendars of work are coordinated as far as possible in order to enable proceedings to be conducted in a coherent and convergent fashion.

Specific measures are set out for each stage of the procedure to reconcile the contacts between the institutions:

1) as regards first reading: the Joint Declaration sets out several cases:

- **agreement at the stage of first reading in the European Parliament**: appropriate contacts shall be established to facilitate the conduct of proceedings at first reading. Where an agreement is reached through informal negotiations in trilogues, the chair of Coreper shall forward details of the substance of the agreement, in the form of amendments to the Commission proposal. That letter shall indicate the Council's willingness to accept that outcome, subject to legal linguistic verification, should it be confirmed by the vote in plenary. In this context, where conclusion of a dossier at first reading is imminent, information on the intention to conclude an agreement should be made readily available as early as possible;

- **agreement at the stage of Council common position**: where no agreement is reached at the European Parliament's first reading, contacts may be continued with a view to concluding an agreement at the common position stage.

2) as regards second reading: in its statement of reasons, the Council shall explain as clearly as possible the reasons that led it to adopt its common position. During its second reading, the European Parliament shall take the greatest possible account of those reasons and of the Commission's position. Appropriate contacts will continue as soon as the Council common position is forwarded to the European Parliament, with a view to achieving a better understanding of the respective positions and thus to bringing the legislative procedure to a conclusion as quickly as possible. The Commission shall facilitate such contacts and give its opinion with a view to reconciling the positions of the European Parliament and the Council.

3) as regards conciliation: if it becomes clear that the Council will not be in a position to accept all the amendments of the European Parliament at second reading and when the Council is ready to present its position, a first trilogue will be organised. Each institution, in accordance with its own rules of procedure, will designate its participants for each meeting and define its mandate for the negotiations. The Commission will indicate to both delegations at the earliest possible stage its intentions with regard to its opinion on the European Parliament's second reading amendments.

The results of the trilogues shall be discussed and possibly approved at the meetings of the respective institutions.The Commission shall take part in the conciliation proceedings and shall take all the necessary initiatives with a view to reconciling the positions of the European Parliament and the Council. Such initiatives may include, draft compromise texts having regard to the positions of the European Parliament and of the Council.

On an organisational level, the dates and the agendas for the Conciliation Committee's meetings shall be set jointly by the co-chairs with a view to the effective functioning of the Conciliation Committee throughout the conciliation procedure.

Agreement on a joint text shall be established at a meeting of the Conciliation Committee or, subsequently, by an exchange of letters between the co-chairs. The co-chairs shall forward the approved joint text to the Presidents of the European Parliament and of the Council by means of a jointly signed letter. Where the Conciliation Committee is unable to agree on a joint text, the co-chairs shall notify the Presidents of the European Parliament and of the Council thereof in a jointly signed letter. The working documents used during the conciliation procedure will be accessible in the Register of each institution once the procedure has been concluded.

General provisions: where an agreement is reached at first or second reading, or during conciliation, the agreed text shall be finalised by the legal-linguistic services of the European Parliament and of the Council acting in close cooperation and by mutual agreement. No changes shall be made to any agreed texts without the explicit agreement, at the appropriate level, of both the European Parliament and the Council.

The institutions will endeavour to hold a joint press conference to announce the successful outcome of the legislative process at first or second reading or during conciliation. They will also endeavour to issue joint press releases.

Following adoption of a legislative act under the codecision procedure, the text shall be submitted, for signature, to the President of the European Parliament and the President of the Council and to the Secretaries-General of those institutions. The jointly signed text shall be forwarded for publication in the Official Journal of the European Union. Publication shall normally follow within two months of the adoption of the legislative act by the European Parliament and the Council.