Framework agreement on relations between the European Parliament and the Commission: revision

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The Committee on Constitutional Affairs adopted the report drafted by Paulo RANGEL (EPP, PT) on the revision of the framework agreement on relations between the European Parliament and the European Commission.

The committee regards the revised agreement as an **important breakthrough for Parliament in its cooperation with the Commission**. It recalls in this context the traditional powers vested in parliaments in the light of the doctrine of the separation of powers, which will underlie, in full respect of the Treaty of Lisbon, the achievements of the revised agreement: legislative competences, parliamentary scrutiny of the executive (including the international relations dimension), obligations to provide information and the executive's presence in Parliament.

Members welcome, in particular, the following **improvements** contained in the revised agreement:

Legislative procedure and planning: mutual cooperation

- the revised provisions regarding the Commission's **Work Programme** and the EU's programming, improving the involvement of Parliament;
- the review of all **pending proposals** at the beginning of a new Commission's term of office, taking due account of the views expressed by Parliament;
- the requirement, in areas where Parliament is usually involved in the legislative process, that the Commission use **soft law** only on a duly justified basis and after previously consulting Parliament;
- the commitment by the Commission concerning adaptation of the acquis communautaire as soon as possible to the new regime of delegated acts;
- the commitment by the Commission to report on the concrete **follow-up to any legislative initiative requests** pursuant to Article 225 of the Treaty on the Functioning of the European Union.

The report specifies that the concept of soft law within the context of the revised agreement is to include recommendations, interpretative communications, voluntary agreements and optional instruments.

Parliamentary scrutiny

- the detailed provisions on the election of the **President of the Commission** and of the latter as a body and on its composition, its possible modification and reshuffling,
- the new rules for the (**participation of Commissioners in electoral campaigns**);
- the Commission's obligation to seek Parliament's opinion when it intends to revise the **Code of Conduct for Commissioners**;
- the obligation requiring **nominees for the posts of executive directors of regulatory agencies** to come before the responsible parliamentary committees for a hearing.

The interinstitutional dimension of EU international relations

- the detailed provisions concerning Parliament's enhanced role in **international negotiations** including the undertaking from the Commission to forward confidential documents relating to those negotiations, applying appropriate procedures and safeguards.

The Commission is called upon to provide Parliament with all information concerning the negotiation of international agreements; this applies also to **confidential documents** from Member States or third countries, subject to the originator's consent.

In all international conferences, the Commission is to grant **observer status** to Members of Parliament and facilitate their presence in all relevant meetings, in particular coordination meetings, where the Commission is required to inform Parliament about its position in the negotiating process. The committee notes that only in **exceptional cases**, on the basis of a lack of legal, technical or diplomatic possibilities, may the Commission refuse the grant of observer status to Members of Parliament, but considers that these concepts should be explained beforehand to Parliament and interpreted very strictly by the Commission.

The report recalls that **Article 218(10) of the TFEU** requires the Commission to inform Parliament immediately and fully when it intends to propose the provisional application of an international agreement or to propose its suspension, and to take into account Parliament's views before the Council takes the relevant decisions.

Obligations to provide information

- the acknowledgment by the Commission of the respective roles conferred by the Treaties on Parliament and the Council, in particular with reference to the basic principle of equal treatment, especially as regards **access to meetings and the provision of contributions** or other information, in particular on legislative and budgetary matters;
- the establishment of a **regular dialogue** between the President of the Commission and the President of Parliament on key horizontal issues and major legislative proposals without prejudice to the role of the Conference of Presidents or the statutory budgetary and legislative procedures;
- the detailed provisions on the information to be provided to Parliament regarding **Commission meetings with national experts** and the preparation and implementation of Union legislation and soft law;
- the modalities of cooperation in the area of relations with **national parliaments**;
- the detailed provisions on Parliament’s access to **confidential information**, including classified documents.

The Commission’s presence in Parliament

- the commitment by the Commission to give priority to its **presence**, if requested, at the plenary sittings or meetings of other bodies of Parliament;
- the new **Question Hour** with all Members of the Commission, following the model of the Question Hour with the President of the Commission;
- **speaking time** improvements;
- the invitation to attend meetings of the **Conference of Presidents** and the Conference of Committee Chairs.

In the light of these considerations, the committee proposes that the European Parliament approve the revised agreement and that it be annexed to its Rules of Procedure in order to facilitate access and to ensure transparency.