

Unilateral statements in the minutes of the Council

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The Committee on Constitutional Affairs adopted the own-initiative report by Rafa TRZASKOWSKI (EPP, PL) on unilateral statements entered in the minutes of Council meetings.

This report originates in a request by the Conference of Committee Chairs addressed to the Constitutional Affairs Committee in order to clarify the position of Parliament as regards the meaning and legal status of unilateral statements entered in the minutes of Council meetings.

Several committee chairs expressed their concerns about the proliferation of such statements, in particular in the framework of the codecision procedure where they could weaken the legal force and scope of the adopted acts, and so possibly affect Parliament's will as a co-legislator.

Members reaffirm that statements and declarations which are not incorporated into a legal text but which concern it, regardless of whether they are issued by one or more Member States, **have no legal force and may undermine the coherence of Union law and its clear interpretation.**

Members call for all statements to be **notified to Parliament**, and call on the Council to forward the minutes of the legislative part of its meetings to Parliament at the same time as to the national parliaments and Member State governments. They reserve the right to use any lawful means at its disposal should unilateral statements have been deliberately intended to produce legal effects.

Accordingly, the Council and Commission are asked to **enter into negotiations with Parliament**, on the basis of Article 295 TFEU, with a view to updating the Joint Declaration on practical arrangements for the codecision procedure (now ordinary legislative procedure) in order to take account of the entry into force of the Treaty of Lisbon and to clearly delimit the scope of unilateral statements.