

Implementation of the Treaty of Lisbon with respect to the European Parliament

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The Committee on Constitutional Affairs adopted the own-initiative report by Paulo RANGEL (EPP, PT) on the implementation of the Treaty of Lisbon with respect to the European Parliament.

Legitimacy and political accountability of the Commission: Members stressed that the potentialities for the strengthening of the European Union's democratic legitimacy provided by the Treaty of Lisbon should be fully implemented, inter alia through **the designation of candidates for the office of Commission President by the European political parties**, thus further connecting the citizens' vote to the election of the Commission President by the European Parliament.

All European political parties should appoint their candidates for President of the Commission sufficiently in advance of the scheduled date for the European elections.

Furthermore, **the way in which the Commission was formed** should be re-considered with a view to reinforcing the Commission's democratic legitimacy. Members were of the opinion that the President-elect of the Commission **should act more autonomously** in the process of selecting the other Members of the Commission. They requested that as many Members of the next Commission as possible be chosen from among elected Members of the European Parliament.

The European Council was asked to **clarify, before the elections**, how it will take account of the elections to the European Parliament and honour the citizens' choice when putting forward a candidate for President of the Commission.

Legislative initiative and activity: Members emphasised that the Lisbon Treaty should ensure that decision-making procedures were **more transparent and democratic, by strengthening the role of the European Parliament and of the national parliaments**. Furthermore, the drive for efficiency must not mean poorer quality of legislation or giving up Parliament's own objectives.

The committee was concerned about the **problems that still existed in applying the ordinary legislative procedure**, especially in the framework of the Common Agricultural Policy (CAP), the Common Fisheries Policy (CFP) and the Area of Freedom. It underlined the importance of the Council's working methods being adapted so as to **make it possible for Parliament representatives to participate in some of its meetings** when this was duly justified under the principle of mutual sincere cooperation between the institutions.

The committee warned against **circumventing Parliaments right to legislate** by including provisions which should be subject to the ordinary legislative procedure in proposals for Council acts, by using mere Commission guidelines or non-applicable implementing or delegated acts or by failing to propose the legislation necessary for the implementation of the Common Commercial Policy (CCP) or international trade and investment agreements.

Whilst understanding that delegated acts could be a flexible and effective tool, Members stressed the **importance of the choice between delegated acts and implementing acts** from the point of view of the respect of the Treaty requirements while safeguarding the rule-making prerogatives of Parliament. They reiterated the request to the Commission and the Council to agree with Parliament on the **application of criteria** for the use of Articles 290 and 291 TFEU, so that implementing acts were not used as a substitute

for delegated acts. They urged the Commission to **involve Parliament** adequately in the preparatory phase of the delegated acts.

International relations: the report recalled that the Lisbon Treaty increased the role and powers of the European Parliament in the field of international agreements, which fell within the scope of ordinary legislative procedures.

It stressed the need to:

- ensure that Parliament is **informed in advance** by the Commission of its intention to launch an international negotiation, that it had a genuine opportunity to express an informed opinion on the negotiating mandates, and that its opinion was taken into account;
- consider the participation of Members of the European Parliament **as observers** in negotiations on international agreements;
- see that Parliament was immediately, fully and **accurately informed at all stages of the procedures** for concluding international agreements, including agreements concluded in the area of CFSP, and be given access to the Union's negotiation texts.

The report called for the adoption of a **Quadripartite Memorandum of Understanding** between the European Parliament, the Council, the Commission and the EEAS on the coherent and effective provision of information in the area of external relations.

Constitutional dynamic: Members considered that one of the major challenges to the Lisbon Treaty's constitutional framework was **the risk of intergovernmentalism jeopardising the 'community method'**, thus weakening the role of Parliament and the Commission to the benefit of the institutions representing the Member States' governments.

They drew attention to the need to involve at an earlier stage not only Parliament but also the Council in the **preparation of the Commission's annual work programme**, and stressed the importance of ensuring there is realistic and reliable programming that could be effectively implemented and provide the basis for **interinstitutional planning**.

In order to increase the political accountability of the Commission to Parliament, a mid-term review to assess the overall fulfilment by the Commission of the announced mandate could be envisaged.