Resolution on the negotiations with the Council and Commission on the legislative proposal for a regulation on the European Parliament’s right of inquiry

2019/2536(RSP) - 18/04/2019 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution tabled by the Committee on Constitutional Affairs on the negotiations with the Council and Commission on the legislative proposal for a regulation on the European Parliament’s right of inquiry.

Noting that the first working document on this issue was adopted in 2015 but that negotiations had subsequently failed, Parliament expressed its deepest disagreement with the attitude of the Council (and the Commission), which is continuing to prevent, after more than four years of informal meetings and exchanges of letters and documents, a formal meeting to discuss at political level possible solutions to the problems identified. Members stressed that the Council and Commission had refused to approve a political mandate to the Council Presidency that would open the door to meetings of a political nature aimed at resolving the most contentious issues and sounding out whether an agreement could be reached. In these circumstances, Parliament asked its President to bring Parliament’s concerns to the attention of the political leaders concerning the failure of the Council and Commission to comply with the principle of interinstitutional cooperation.

The resolution pointed out that it is an inherent characteristic of all legislative chambers and a fundamental condition of the separation of powers in a democracy worthy of the name that a parliament should be able to hold the executive to account by setting up committees of inquiry with real powers to call witnesses and obtain documents. Furthermore, all institutions of the European Union have regularly committed themselves to sincere cooperation, which in the case of the regulation in question is hard to discern.

Parliament suggested, therefore, that its competent committee should examine the feasibility of preparing an action before the Court of Justice of the European Union in connection with the principle of mutual sincere cooperation between institutions (Article 13(2) of the TEU), and, in this connection, should also check and report on the violations by the Council of the actual legal framework of the committees of inquiry created during this term (PANA on tax avoidance and money laundering and EMIS on emission measurements in the automotive sector).

Members went on to note that Article 226 of the TFEU, which stipulates a ‘special legislative procedure’ and requires the consent of the Council and the Commission for the adoption of a regulation on Parliament’s right of inquiry, does not oblige the Council and the Commission to negotiate, since they are obliged only to give or withhold their consent to Parliament’s proposal.

Parliament invited the Council and the Commission, if they are unable to give their consent to the proposal, to resume negotiations with the newly elected Parliament. It recommended that the legislative process arising from the right of legislative initiative conferred on Parliament by the Treaties must include, under the Interinstitutional Agreement on Better Law Making (IIA), a request for the establishment of a legislative calendar for the initiatives concerned, stressing that a special legislative procedure must respect the provisions of the IIA concerning the institutional obligation to negotiate of all three institutions.

Lastly, Parliament called on the political parties to ensure that their election programmes express their commitment to Parliament's proposal for a new and updated regulation on its right of inquiry, and invited the different Spitzenkandidaten to offer their public and political support on this matter.