Parliament’s right of initiative

2020/2132(INI) - 09/06/2022 - Text adopted by Parliament, single reading

The European Parliament adopted by 420 votes to 117, with 35 abstentions, resolution on Parliament's right of initiative.

Parliament's direct initiative right(s) of initiative established by the Treaties

Members regretted that **Parliament, although the only directly elected EU institution, does not have a general direct right of initiative**.

In the current institutional framework, the special legislative procedures where direct initiative rights are exercised have a special constitutional character and take precedence over ordinary legislative procedures. Parliament regretted, however, that too often these special legislative procedures have not been completed because of the lack of agreement between the Commission and the Council.

Stressing that Parliament had used its right of initiative by launching a procedure to safeguard the rule of law under Article 7 of the EU Treaty, Members condemned the Council's failure to follow up on this procedure and on Parliament's repeated calls for action. They deplored the lack of an appropriate response to Parliament's initiative on the establishment of a Union mechanism for democracy, the rule of law and fundamental rights and reiterated their call on the Commission and the Council to enter into negotiations with Parliament on an interinstitutional agreement without delay.

Parliament also regretted that three Member States had still not ratified the amended EU electoral law adopted in 2018 and deplored the fact that the Council had so far refused to negotiate with Parliament on its right of inquiry.

Parliament's indirect right of initiative under the Treaties

Parliament recalled that it has had the right since the Maastricht Treaty, by virtue of its unique democratic legitimacy, to request the Commission to submit legislative proposals, in accordance with Article 225 TFEU.

However, most of the **legislative initiative reports** adopted since 2011 have not been followed up by the Commission with an appropriate proposal until 2019. Members also regretted that the Commission has generally failed to meet its deadlines for responding to Parliament's requests and submitting legislative proposals.

Parliament believes that the time has come to show more ambitious political will and therefore called for the possibility of a revision of the 2010 Interinstitutional Agreement to be examined with a view to **ensuring that Parliament's rights of initiative are strengthened**.

Members expect the Commission to honour its commitment to present a legislative initiative following the adoption of any such request by Parliament, adopted by a majority of its members in a legislative initiative report. This commitment should be strengthened, as should Parliament's power to influence the Union's agenda. The monitoring of European Citizens' Initiatives (ECI) should also be improved.

Future of Parliament's initiative rights

Members are convinced that a general and direct right of initiative would further strengthen the democratic legitimacy of the Union, empower Union citizens and would reflect the evolution over time of the competences of the Union and its institutions towards a stronger European democracy.

Members noted that Parliament's current rights of initiative include various special legislative procedures, such as the regulations on its own composition, the election of its Members and their statute, the Statute of the European Ombudsman and Parliament's right of inquiry. As these procedures are barely regulated by the Treaties, Parliament called for a **new interinstitutional agreement** between the three institutions, which deals exclusively with this subject.

According to the resolution, giving Parliament a direct right of initiative would not prevent the Commission from retaining a concurrent right of initiative or even a monopoly on initiative, for example in budgetary matters. The Council could also have a direct right of initiative in strictly defined areas. The three institutions are invited to reflect on how parallel initiative rights could effectively co-exist and be applied in practice.

Members called for a joint assessment of the functioning of the 2010 framework agreement and the need for a targeted revision to ensure that its provisions and timeframes for Parliament's indirect right of initiative can be effectively met. They also asked the Council and the Commission to assess, together with Parliament, to what extent the Interinstitutional Agreement on **Better Law-Making** should be revised in order to remove possible obstacles to Parliament's power to propose legislative initiatives.

The rights of initiative of the Council and the European Council established by the Treaties

Members regretted that, in the area of economic and monetary policy, Article 121 TFEU merely provides for Parliament to be informed. They also noted that Article 68 TFEU is used to justify a de facto right of initiative for the European Council in the area of freedom, security and justice.

Similarly, Article 76 TFEU gives the Council, through a quarter of its Member States, a right of initiative that is concurrent with that of the Commission on cooperation on administrative law and police and judicial cooperation in criminal matters.

These developments are part of a wider trend towards a growing imbalance between the Council, the European Council and the Commission as regards decision-making power in all policy areas, to varying degrees. Members believe that the **institutional balance** of the Union should be restored in favour of democratic legitimacy through equivalent rights for Parliament.