EC Treaty procedures under Article 189b, codecision: revision following the Amsterdam Treaty

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The Committee adopted the report by Andrea MANZELLA (PES, I) on the new co-decision procedure following the Amsterdam Treaty. The report contains a range of measures designed to put into effect the new co-decision procedure, with the aim of speeding up and simplifying the EU's legislative process.The Amsterdam Treaty makes fundamental changes to the structure of the co-decision procedure. It now has a "telescopic" structure, which can be extended to three stages. Each stage is linked to the next, but also has an autonomy of its own. Each stage, even the first, can in fact be the final stage, i.e. it may result in a final decision.In order to maximise the potential of the provisions on the co-decision procedure contained in the Treaty, the Manzella report proposes changes in Parliament's internal procedures and in relations between the institutions. The measures proposed relate to the first reading, the second reading and the conciliation stage. In addition, the report calls for accompanying measures and a revision of the 1993 interinstitutional agreements on Article 189b (co-decision procedure). The Amsterdam Treaty provides for a potentially major change in the functioning of the co-decision procedure by permitting it to be concluded at the first reading stage if the Council approves a Commission proposal that has not been amended by Parliament or if the Council agrees with all Parliament's amendments.To make these new rules work efficiently, the Manzella report proposes establishing a structured dialogue, with a certain degree of flexibility, between Parliament, the Council and the Commission. The dialogue would consist of informal discussions between Parliament and Council with active input from the Commission. A Council representative would be asked to attend Parliament meetings when an issue was being debated and make comments. In addition, the exchange of documents between the institutions would be improved, the legal quality of texts verified jointly at an earlier stage in the legislative process and an interinstitutional database set up.The Institutional Affairs Committee's proposals for improvements to procedures within Parliament relate particularly to the legal quality of Parliament's texts, a requirement for all legislative amendments to be accompanied by a written justification, the holding of votes and the tabling of amendments. The removal of the stage of an "intention-to-reject" the common position and the abolition of the "third reading" by the Council in the event of a failure of conciliation are the main changes introduced by the Amsterdam Treaty to the later stages of the conciliation procedure.To improve EP-Council contacts over the final stages of the procedure, the Manzella report proposes the following measures: direct presentation by the Council to Parliament of its common position (at present it is submitted in writing); agreement between the institutions on interpretation of the new Amsterdam deadlines, so that premature conciliation meetings can be avoided; better forward planning in scheduling conciliations, to take account of the fact that the field of application of the co-decision procedure has been considerably widened. As to the EP's internal procedures, the report calls for all Parliament votes at second reading to be subject to a quorum requirement and for the introduction of a new obligation for Parliament's conciliation delegation to report back to plenary in cases where conciliation fails. As regards accompanying measures, the Manzella report calls for the annual legislative programme to be turned into a more complete document for the work of the committees and the plenary, in the interests of better interinstitutional legislative planning. It also calls for closer contacts with national parliaments.Lastly, the committee calls for any revision of the interinstitutional agreement to cover the following issues: the interpretation and application of the new deadlines for conciliation;the publication of any declarations attached to texts; procedures for the signing of agreed texts;the use of forms of written procedure;the legislative quality of texts; procedures in case of the failure of conciliation;additional provisions on the role of the Commission.