

Comitology, follow-up to Amsterdam: procedures for the exercise of implementing powers conferred on the Commission

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Under consultation procedure, the European Parliament adopted the report by Marie Adelaide Aglietta (V, IT), which approves the Commission proposal laying down the procedures for the exercise of implementing powers conferred on the Commission, subject to amendments, the majority of which seek to place the two branches of legislative authority (namely the European Parliament and the Council) on an equal footing. In particular, the report recalls that the Treaty of Amsterdam has further extended the field of application of codecision procedure and that henceforth the Parliament's increased power should be acknowledged in all areas where legislative authority is shared, including the area of implementing powers. The Parliament seeks to make the proposed system of comitology more transparent, particularly with regard to the activity and the procedures of the committees. The Parliament limits the use of the management procedure to the adoption of measures of general scope designed to apply basic instruments and measures relating to the implementation of common policies (eg. the CAP). The Parliament proposes that all other measures, and in particular those implementing programmes with budgetary implications, as well as measures relating to the criteria for granting financial support be adopted by use of the advisory procedure. The Parliament removes any reference to use of the regulatory or safeguard procedures. The Parliament also asks that it be granted, in the same capacity as the Council, the right to challenge within a timeframe of two months any implementing measure under codecision procedure, where the measure or draft measure exceeds the implementing powers provided for in the basic act. After this time period, the Commission should either submit a legislative proposal or take an amended implementing measure. In the case of measures relating to areas where codecision does not apply, the Commission is still required to take account of the Parliament's position as far as possible. Finally, the Parliament insists that, except for reasons of confidentiality, all documents shall be made public and accessible by electronic transmission.

AVC96050 11/03/99 DAF EN PURPOSE: to establish a procedure under the Lomé Convention for the partial or full suspension of cooperation in cases of serious abuse of human rights. COMMUNITY MEASURE: Council decision 1999/214/EC regarding the implementation of Article 366a of the Fourth Lomé Convention. CONTENT: According to the Lomé Convention, respect for human rights, democratic principles and the rule of law (Article 5 of the Mauritius Agreement amending Lomé IV) constitutes an essential element of the Convention. In Article 366a, the Convention provides that a party (the Community and its Member States or any of the ACP States) which considers that another party has failed to fulfil an obligation in respect of Article 5 of the Mauritius Agreement, may invite that party to hold consultations with a view to examining the situation and resolving it. To this end, Article 366a provides that a specific procedure should be applied containing the precise time limits for consultations. This decision fixes the procedure to be followed in such cases. Hence, it provides that the Council, acting by a qualified majority, will invite the ACP State concerned to hold consultations. On expiry of the time limit provided for by Article 366a of the Convention (or else immediately in case of urgency or refusal to hold consultations), the Council may, acting by a qualified majority, decide to partially suspend cooperation. It should be noted that the European Parliament shall be immediately and fully informed of any decision to suspend or withdraw cooperation. However, it will not be allowed to take the initiative in this area and its assent for the suspension or resumption of cooperation will not be required, as it had wanted. The measures decided upon will remain in force for as long as necessary and cannot be modified except by means of a Council decision. To this end, the Council will review at least every six months the measures taken. In fields covered by the Convention and falling within the competence of Member States, the Member States may authorise the Council to cover these fields in adopting decisions relating to consultation or suspension of the Convention. ENTRY INTO FORCE: 12/03/1999.