

Outcome of the screening of legislative proposals pending before the Legislator

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The committee adopted the own-initiative report drawn up by Sylvia-Yvonne KAUFMANN (GUE/NGL, DE) in response to the Commission communication on the outcome of the screening of legislative proposals pending before the Legislator. The committee welcomed the communication and said that the withdrawal or modification of the great majority of the proposals mentioned in it would "contribute to a simplification of the Community legislative environment". MEPs insisted, however, that the Commission should take into proper consideration the objections raised by the President of the European Parliament. The committee welcomed the fact that, before adopting its final position, the Commission had again reviewed its proposals in the light of Parliament's objections. It acknowledged that, in every case in which the Commission had not accepted those objections, it had stated reasons for not doing so and that in some cases it had also indicated possible initiatives by means of which Parliament's wishes could be met. The report stressed that in future proceedings of this nature, the Commission should present specific reasons for the withdrawal or the modification of each proposal, and "not confine itself to invoking general principles that do not clearly explain the reasons why the Commission believes that a specific proposal should be withdrawn or modified"

MEPs asked the Commission, immediately after it has been appointed, to draw up and submit to Parliament and the Council a list stating which of its predecessor's legislative proposals it intends to retain. They also asked the Commission to include in its annual legislative and working programme a list of the proposals it intends to withdraw or modify, in order to allow Parliament to express its point of view in accordance with its prerogatives under the Treaties and the procedures laid down in the Framework Agreement of 26 May 2005. The committee recognised, however, that, within clear limits, the ability of the Commission to withdraw a legislative proposal during a procedure leading to its adoption:

- flows from its right of legislative initiative and constitutes a logical complement to its ability to modify a proposal,
- may contribute to enhancing the role of the Commission in the legislative procedure, and
- can be considered as a positive element in ensuring that the procedures leading to the adoption of a Community act and the interinstitutional dialogue are aimed at promoting the 'Community interest'.

Lastly, the report put forward the following guidelines on the withdrawal and the modification of legislative proposals by the Commission:

(a) the Commission may, in principle, withdraw or modify a legislative proposal at any time during the procedures leading to its adoption as long as the Council has not acted. This means that in codecision and cooperation procedures the Commission may no longer do so after the adoption of the common position by the Council unless, in its decision on the common position, the Council has exceeded its powers to amend the Commission proposal, so that the decision in reality constitutes a legislative initiative by the Council itself, for which the Treaty does not provide;

(b) where Parliament has rejected a legislative proposal or has suggested substantial amendments to it, or where Parliament has in some other way asked the Commission to withdraw or substantially modify a

legislative proposal, the Commission shall take this position into proper consideration. If, for important reasons, the Commission decides not to follow the position expressed by Parliament, it shall explain the reasons for that decision in a statement to Parliament;

(c) where the Commission intends to withdraw or modify a legislative proposal on its own initiative, it shall give Parliament prior notification of its intention. This notification shall be given in good time, allowing Parliament the opportunity to give its view on the matter, and shall include a clear explanation of the reasons for which the Commission believes that a specific proposal should be withdrawn or modified. The Commission shall take the view of Parliament into proper consideration. If, for important reasons, the Commission decides to withdraw or modify its proposal, against the wishes of Parliament, it shall explain the reasons for that decision in a statement to Parliament.