Basic information

2003/2088(INI) INI - Own-initiative procedure	Procedure completed
European governance: tripartite contracts and agreements between Community, States and regional authorities **Subject** 8 State and evolution of the Union 8.10 Revision of the Treaties, intergovernmental conferences	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
AFCO Constitutional Affairs	MACCORMICK Professor Sir Neil (V/ALE)	23/04/2003

Committee for opinion	Rapporteur for opinion	Appointed
JURI Legal Affairs and Internal Market		
ENVI Environment, Public Health, Consumer Policy	NOBILIA Mauro (UEN)	16/06/2003
RETT Regional Policy, Transport and Tourism	The committee decided not to give an opinion.	

European Commission

Commission DG	Commissioner
Secretariat-General	

Key events

Date	Event	Reference	Summary
11/12/2002	Non-legislative basic document published	COM(2002)0709	Summary
15/05/2003	Committee referral announced in Parliament		
06/11/2003	Vote in committee		Summary
06/11/2003	Committee report tabled for plenary	A5-0401/2003	
03/12/2003	Debate in Parliament		

04/12/2003	Decision by Parliament	T5-0550/2003	Summary
04/12/2003	End of procedure in Parliament		

Technical information	
Procedure reference	2003/2088(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	AFCO/5/19532

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A5-0401/2003	06/11/2003	
Text adopted by Parliament, single reading		T5-0550/2003 OJ C 089 14.04.2004, p. 0035-0151 E	04/12/2003	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(2002)0709	11/12/2002	Summary

European governance: tripartite contracts and agreements between Community, States and regional authorities

2003/2088(INI) - 04/12/2003 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution based on the own-initiative report drafted by Sir Neil MacCORMICK (Greens/EFA, UK) on tripartite agreements. (Please refer to the summary dated 06/11/03.) Parliament stressed that tripartite contracts were not intended to amend existing Community legislation or be an appropriate instrument for transposing directives into national law. As they involve Member States as key partners, they will not conflict with the constitutional systems of the Member States and will not change the competences of public authorities. Furthermore, since they are not based on binding Community law and have therefore not been the subject of a legislative procedure involving Parliament and the Council, tripartite agreements should be restricted to matters concerning improved implementation of Community law.

European governance: tripartite contracts and agreements between Community, States and regional authorities

2003/2088(INI) - 11/12/2002 - Non-legislative basic document

PURPOSE : to outline possibilities for the establishment of tripartite contracts and agreements between the Community, the States and local authorities. CONTENT : the publication of the White Paper on European Governance in 2001 introduced the idea of tripartite contracts, to be concluded between the Member States, the territorial authorities designated by them and the Commission. This Communication in as examination of

what form such tripartite contracts and agreements should take. Greater EU involvement in regional policy and environmental legislation has frequently led to confusion over which actor in a chain of legislative and regulatory events should be involved in what. Many Member States and local authorities have requested greater clarification in order to introduce a culture of enhanced flexibility, efficiency and successful outcomes. This Communication on tripartite contracts and agreements is an answer to such requests. The Commission proposes that tripartite contracts and agreements can be defined as: - target-based tripartite contracts to describe contracts concluded between the European Community - represented by the Commission - a Member State and regional and local authorities in direct application of binding secondary Community law (regulations, directive or decisions; and - target-based tripartite agreements to describe agreements concluded between the Commission, A Member State and regional and local authorities outside a binding Community framework. In principle, both such contracts and agreements must be subject to a general obligation of compatibility with the Treaties and in particular, they may under no circumstances create or sustain obstacles to intra-Community trade. Nor must they be incompatible with Member States' constitutions. They can be justified when there is a proven case of enhanced political benefits, efficiency gains, the involvement and participation of regional and/or local authorities and if they can lead to a speedier performance. Such tripartite contracts would clearly lend themselves in particular to the EU's regional and environmental policies. The Commission does not plan to propose a modification of the existing provisions governing the implementation of the Structural Funds, considering instead that the existing partnerships should be allowed to run their course. In the case of tripartite contracts between the Community (represented by the Commission) - a Member State and the regional/local authorities designated by them an enabling clause will be included in the contracts. Also included will be wording recalling that the Member State alone will retain responsibility for due performance. Failure to do so could lead to possible legal action under Article 226 of the Treaty. Lastly, any one of the future contracting parties may take the initiative to establish such tripartite relations. In the first instance, the Commission plans to launch pilot target-based tripartite agreements. Only following an assessment of these target-based tripartite agreements will the Commission consider the possibility of target-based tripartite contracts.