Basic information

2009/2212(INL) INL - Legislative initiative procedure	Procedure completed
Proposal for a regulation of the European Parliament on the detailed provisions governing the exercise of the European Parliament's right of inquiry Repealing Decision 95/167/EC, Euratom, ECSC 1995/2009(ACI) **Subject** 8.40.10 Interinstitutional relations, subsidiarity, proportionality, comitology	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
AFCO Constitutional Affairs	MARTIN David (S&D)	30/11/2009
	Shadow rapporteur WIELAND Rainer (PPE) TRZASKOWSKI Rafał (PPE) GUALTIERI Roberto (S&D) GUERRERO SALOM Enrique (S&D) JÄÄTTEENMÄKI Anneli (ALDE) DUFF Andrew (ALDE) HÄFNER Gerald (Verts/ALE) FOX Ashley (ECR) HANNAN Daniel (ECR) SØNDERGAARD Søren Bo (GUE/NGL) SCHOLZ Helmut (GUE/NGL) AGNEW John Stuart (EFD) MESSERSCHMIDT Morten (EFD)	

European Commission

Commission DG	Commissioner
Secretariat-General	BARROSO José Manuel

Key events

Date	Event	Reference	Summary
17/12/2009	Committee referral announced in Parliament		
11/10/2011	Vote in committee		Summary
14/10/2011	Committee report tabled for plenary	A7-0352/2011	
23/05/2012	Decision by Parliament	T7-0219/2012	Summary
23/05/2012	Results of vote in Parliament		
23/05/2012	Debate in Parliament		
16/04/2014	Decision by Parliament	T7-0429/2014	Summary
16/04/2014	Results of vote in Parliament		
16/04/2014	End of procedure in Parliament		

Technical information

Procedure reference	2009/2212(INL)
Procedure type	INL - Legislative initiative procedure
Procedure subtype	Legislative initiative
Amendments and repeals	Repealing Decision 95/167/EC, Euratom, ECSC 1995/2009(ACI)
Legal basis	Rules of Procedure EP 46
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	AFCO/7/01726

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE464.928	11/05/2011	
Amendments tabled in committee		PE472.232	15/09/2011	
Committee report tabled for plenary, single reading		A7-0352/2011	14/10/2011	
Text adopted by Parliament, partial vote at 1st reading /single reading		T7-0219/2012	23/05/2012	Summary
Amendments tabled in committee		PE523.038	12/11/2013	
Text adopted by Parliament, single reading		T7-0429/2014	16/04/2014	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Proposal for a regulation of the European Parliament on the detailed provisions governing the exercise of the European Parliament's right of inquiry

2009/2212(INL) - 23/05/2012 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted a proposal or a regulation of the European Parliament on the detailed provisions governing the exercise of the European Parliament's right of inquiry and repealing Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission

Parliament **decided to postpone the vote** on the motion for a resolution, pursuant to the third paragraph of Rule 41.

Given the new institutional balance established by the Lisbon Treaty and the experience gained in the European Parliament's committees of inquiry, **Members propose the repeal of Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission and its replacement by a new Regulation.** Members consider that the committees of inquiry should be reinforced and granted specific, genuine and clearly delimited powers which are more in line with Parliament's political stature and competences, while respecting the principle of proportionality. The proposed regulation **defines the detailed provisions governing the exercise by the European Parliament**, in the context of the fulfilment of its tasks, of the right to investigate alleged contraventions or maladministration in the implementation of Union law.

The main points are as follows:

Setting-up and mandate of committees of inquiry: the European Parliament may set up such committees of inquiry at the request of one quarter of its component members. No committee of inquiry should be set up where the alleged facts are being examined before a court and while the case is still subject to legal proceedings. However, in order to avoid any conflict between inquiries of a political nature and those of a judicial nature, the European Parliament should be able to examine whether it is necessary to suspend the investigation of a committee of inquiry if, after it has been set up, legal proceedings bearing a relation to the alleged facts are initiated.

Principles of openness, good governance and democratic accountability: proceedings of committees of inquiry and in particular hearings should take place in public. Provision should also be made for the possibility of in-camera proceedings and appropriate rules on confidentiality in order to ensure the efficiency of the inquiries, the protection of the vital interests of Member States, the protection of privacy and the integrity of an individual, in particular in line with Union legislation on the protection of personal data, or the protection of commercial interests of a natural or legal person.

The right of inquiry: it is essential that a committee of inquiry be able to rely on factual evidence gathered in the course of its investigation. For this purpose, a committee of inquiry should be able to hear members of Union institutions and members of governments of Member States, obtain evidence from officials and other servants of the Union or of Member States, obtain evidence from any other individual residing in the Union, request experts' reports, request documents and conduct on-the-spot investigations.

Human rights: investigations should be conducted with full respect for human rights and fundamental freedoms, in particular the principle of fairness, and for the right of persons involved to express their views on the facts concerning them.

Request for documents: investigations should also take into account the principle that the conclusions of an inquiry should be based solely on elements which have evidential value. To that end, a committee of inquiry should be able in particular to have access to any relevant documents in the possession of the Union's institutions or bodies, of Member States or, if the document is considered pertinent for the success of the inquiry, of any other natural or legal person.

Inspections: the committee of inquiry may conduct on-the-spot investigations which shall be conducted, where appropriate, in cooperation with the national authorities, in conformity with the provisions of national law.

Witnesses: committees of inquiry should be able to summon any person who is resident in the European Union, including officials and other servants of the Union's institutions or of Member States, as a witness who should be obliged to answer questions willingly, fully and truthfully.

Committees of inquiry should respect in full the rights of those called on by them to testify, in accordance with the European Convention for the protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights of the European Union.

In line with the principle of loyal cooperation and with the commitment to contribute to the upholding of the legal order of the Union, the Union's institutions and bodies or the Member States should designate the officials or servants whom they authorise to appear before a committee of inquiry when the committee invites them to do so. Furthermore, it should be possible for a committee of inquiry to hear the Commissioners responsible for the matter under investigation if their testimony is considered to be of material importance and necessary for a thorough appraisal of the matter under investigation.

Committees of inquiry should also have the right to request witnesses to testify under oath. However, witnesses should not be obliged to take the oath. Formal note should be taken of every case where a witness declines to testify under oath, in order to allow for a fair comparative assessment of the evidential value of all testimonies.

Results of inquiries: the final report of the committee of inquiry shall be submitted to the European Parliament.

It may include minority conclusions provided that such conclusions are supported by at least one quarter of the committee's members. The European Parliament may forward to the institutions or bodies of the Union or to the Member States for transmission to the competent authorities any recommendations which it adopts on the basis of the final report.

Sanctions: in order to give effect to those provisions, to increase the efficiency of inquiries and to bring them more in line with national parliamentary practice, the proposed Regulation should provide for the possibility of effective, proportionate and dissuasive sanctions in well-defined cases; it should be up to Member States to ensure that certain infringements are subject to appropriate sanctions under their national law and that they bring appropriate proceedings against the perpetrators of such infringements.

Proposal for a regulation of the European Parliament on the detailed provisions governing the exercise of the European Parliament's right of inquiry

2009/2212(INL) - 16/04/2014 - Text adopted by Parliament, single reading

The European Parliament adopted by 532 votes to 81, with 7 abstentions, a legislative resolution on a proposal for a regulation of the European Parliament on the detailed provisions governing the exercise of the European Parliament's right of inquiry and repealing Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission.

The report was referred back to the committee during the 23 May 2012 plenary sitting.

Parliament adopted as its proposal for a regulation the text adopted on 23 May 2012 (*please refer to the summary of the same date*).

Given the new institutional balance established by the Lisbon Treaty and the experience gained in the European Parliament's committees of inquiry, the proposed Regulation defines the detailed provisions governing the exercise by the European Parliament, in the context of the fulfilment of its tasks, of the right to investigate alleged contraventions or maladministration in the implementation of Union law.