

Framework agreement on relations between the European Parliament and the Commission (5 July 2000)

Caption: Specific agreement on the legislative process laid down in Annex I of the framework agreement on relations between the European Parliament and the Commission.

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ANNEX I: Specific agreement on the legislative process (*)

1. In implementation of the above framework agreement, and building on the experience of the 1990 and 1995 ⁽²⁾ codes of conduct between the Commission and the European Parliament, the two institutions agree on the following specific provisions as regards the handling of the legislative process.

Legislative planning and the annual legislative programme

2. In drawing up its annual legislative programme, the Commission shall take the utmost account of the guidelines suggested by the European Parliament. The Commission shall present its programme in sufficient time to permit a wide public debate on its contents. It shall provide sufficient detail as to what is envisaged precisely under each point in the programme, in order for the European Parliament to take this into account in its own legislative planning. The Commission shall as soon as possible inform the inter-institutional coordination working group whenever delays are encountered as regards the presentation of any specific proposal or document in the adopted programme, without prejudice to the Commission's competences.

Choice of legal basis

3. The Commission undertakes to inform the European Parliament, at the same time as the Council, of any proposal amending legal bases in the course of decision-making procedures.

4. The Commission shall take the utmost account of all changes to the legal bases of its proposals contained in the European Parliament's amendments. The Commission undertakes to set out in detail the reasons for its position.

General legislative procedures

5. The Commission and the European Parliament shall ensure full implementation of the Joint Declaration on the practical arrangements for the new codecision procedure (Article 251 of the EC Treaty) signed by the European Parliament, Council and Commission on 5 May 1999 ⁽³⁾.

6. The Commission shall keep the relevant parliamentary committee regularly informed of the principal positions emerging from discussions within Council bodies, particularly where they depart from the original proposal, and shall also forward any Commission amendments to the original proposal on the basis of which the Council would continue its discussions. The Commission shall inform the European Parliament as soon as possible if it adopts a favourable opinion on amendments by the Council to its proposals.

7. For legislative procedures not entailing codecision:

(i) The Commission shall ensure that the Council bodies are reminded in good time not to reach a political agreement on its proposals before the European Parliament has given its opinion. It shall ask for discussion to be concluded at ministerial level after a reasonable period has been given to the members of the Council to examine the European Parliament's opinion.

(ii) The Commission shall ensure that the Council adheres to the rules developed by the Court of Justice requiring the European Parliament to be re-consulted if the Council substantially amends a Commission proposal. The Commission shall inform the European Parliament of any reminder to the Council of the need for re-consultation.

(iii) The Commission undertakes, if appropriate, to withdraw a legislative proposal that the European Parliament has rejected. If, for important reasons and after consideration by the College, the Commission decides to maintain its proposal, it shall explain the reasons for that decision in a statement before the European Parliament.

(iv) In order to improve legislative planning, the European Parliament undertakes:

- as far as possible to appoint rapporteurs on future proposals as soon as the legislative programme is adopted;
- to consider requests for re-consultation as a matter of absolute priority provided that all the necessary information has been forwarded to it;
- to take account of the priorities considered by the Commission and Council in planning its activities;
- to plan the legislative sections of its agendas, bringing them into line with the current legislative programme and with the resolutions it has adopted on that programme;
- to meet reasonable deadlines, in so far as is useful for the procedure, when delivering its opinion at first reading under the cooperation and codecision procedures or its opinions under the consultation procedure.

8. When an act has been annulled by the Court but continues to produce legal effects, the Commission undertakes to present a modified proposal for a legislative act implementing the judgment of the Court.

The Commission shall inform the European Parliament in full and in advance when it intends to take implementing measures on the basis of an act that has been annulled but continues to produce legal effects, so as to ensure that account is taken of the European Parliament's views.

9. The Commission shall give the European Parliament and the Council prior notification before withdrawing its proposals.

Specific legislative powers of the Commission

10. The Commission shall give full and timely information to the European Parliament concerning acts which the Commission adopts which fall within the scope of its own legislative powers.

Implementing powers

11. The implementation of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁴⁾ shall be governed by the agreement between the Commission and the European Parliament on the procedures for implementing that decision ⁽⁵⁾.

The European Parliament and the Commission shall ensure the strict implementation of this agreement.

12. The Code of Conduct on the implementation of structural policies by the Commission (2000-2006) signed on 6 May 1999 ⁽⁶⁾ shall continue to apply to implementing acts covering the Structural Funds.

Monitoring the application of Community law

13. In addition to specific reports and the annual report on the application of Community law, the Commission shall, at the request of the relevant parliamentary committee, keep the European Parliament informed orally of the stage reached in the procedure as from the stage when the reasoned opinion is sent and, in cases where procedures have been initiated for failure to communicate the measures implementing a directive, or for failure to comply with a judgment of the Court of Justice, as from the stage of formal notice.

The two institutions agree to exchange all relevant information relating to legislative planning, and the organisation of legislative procedures, within the inter-institutional coordination working group.

(*) Note by ENA: Annex I of the European Parliament–Commission framework agreement (C5-0349/2000).

(2) OJ C 89, 10.4.1995, p. 68.

(3) OJ C 279, 1.10.1999, p. 230.

(4) OJ L 184, 17.7.1999, p. 23.

(5) European Parliament resolution of 17 February 2000, Item 11 of Texts Adopted.

(6) OJ C 279, 1.10.1999, p. 488.