

## European Parliament Resolution on the codecision procedure (16 July 1998)

**Caption:** European Parliament Resolution of 16 July 1998 on the new codecision procedure after Amsterdam.

**Source:** Official Journal of the European Communities (OJEC). 21.09.1998, n° C 292. [s.l.]. "Resolution on the new codecision procedure after Amsterdam (16 July 1998)", auteur:European Parliament , p. 140.

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## European Parliament Resolution on the new co-decision procedure after Amsterdam (16 July 1998)

A4-0271/1998

*The European Parliament,*

- having regard to the Amsterdam Treaty,
  - having regard to the 1993 interinstitutional agreement on Article 189b of the EC Treaty concerning the phase preceding the adoption of a common position by the Council and on arrangements for the proceedings of the Conciliation Committee under Article 189b <sup>(1)</sup>,
  - having regard to Rule 148 of its Rules of Procedure,
  - having regard to the report of its Committee on Institutional Affairs and the opinions of the Committee on Research, Technology, Development and Energy, the Committee on Legal Affairs and Citizens' Rights, the Committee on the Environment, Public Health and Consumer Protection, the Committee on Culture, Youth, Education and the Media and the Committee on Civil Liberties and Internal Affairs (A4-0271/1998),
- A. whereas the Amsterdam Treaty not only extended but also reformed the application of the codecision procedure, in that it has been simplified and the European Parliament's position is now equal to that of the Council, as is appropriate in a two-chamber legislative system,
- B. whereas implementing measures will have to be taken if the full potential of the new codecision procedures is to be realised, in particular by changing the nature of interinstitutional relations in the first reading and by further improvements in the second reading and conciliation phases,
- C. whereas such implementing measures can partly be carried out by means of reform of Parliament's own procedures; whereas Parliament's Rules of Procedure should therefore be amended,
- D. whereas, however, these internal reforms need to be complemented by procedural changes reached in agreement with the Commission and the Council,
- E. whereas such changes will require the 1993 interinstitutional agreement on codecision to be both updated and extended in scope,

### **First reading phase**

1. Points out that the Amsterdam Treaty provides for a major change in the functioning of the codecision procedure by permitting it to be concluded at first reading stage, thereby accelerating, rationalizing and simplifying the EU legislative process;
2. Believes that if new rules of procedure are to be effectively implemented a structured dialogue between Parliament, the Council and the Commission is also necessary;
3. Calls, in this context, for the following steps to be considered, bearing in mind the flexibility normally possible in parliamentary procedures, at the discretion of the committee chairmen:
  - (i) the rapporteur and chairman of the relevant Parliament committee (and any 'shadow' rapporteurs) to be authorized to hold informal discussions, even at first reading stage, with the Council or at least with the chairman of the relevant Council working group, in the active presence of the Commission (informal trialogue), and to be required to report on this matter before the relevant committee;
  - (ii) a Council representative to be invited to attend the relevant Parliament meeting and to make any

observations that he deems appropriate;

(iii) agreement to be reached with the Council on the possibility of authorizing the rapporteur of the committee responsible to appear at any time before Council working groups, without being able to commit his committee or Parliament as a whole in any way; after such occasions the rapporteur should be required to report back to his committee;

(iv) exchange of documents to be stepped up between the institutions, in particular by forwarding to Parliament copies of the reports of individual Council working group meetings;

(v) an interinstitutional databank to be set up;

(vi) joint verification of the legal quality of texts to take place from the early stages of the legislative process, and especially if the Council and Parliament are close to agreement in the first reading phase;

4. Considers that steps should be taken to ensure that the public nature and transparency of the legislation process should not suffer as a result;

5. Insists that, in accordance with the Protocol on the role of the national parliaments in the EU, the period of time necessary for the transmission and examination of proposals for acts or the modification of such acts by the national parliaments be respected in all cases;

6. Further believes that first reading procedures within Parliament could be improved, without prejudice to the competences of the Committee on the Rules of Procedure, by:

(i) defining the institutional role through new procedural rules for the competent parliamentary committees, since this is vital in order to rationalize Members' power of amendment and the ensuing negotiations with the other institutions;

(ii) requiring written justification of all Parliament amendments in the legislative context (to clarify their legal justification, facilitate their translation and improve their legal quality);

(iii) ensuring that Parliament amendments in first reading receive sufficiently wide support, by considering the possibility of introducing an automatic quorum requirement in first reading and organizing the necessary votes during the full part-session days;

(iv) extending, except in cases where urgency is sought by the Council or Parliament, the normal period between the deadline for tabling amendments in plenary and the final plenary vote (in order to allow time for checking the legal and linguistic quality of the amendments, to allow, where appropriate, informal discussions with the other institutions, and to permit the tabling of final compromise amendments; consideration should be given to the consequences for the political groups' meeting time;

(v) reinforced efforts to improve the legal quality of and the monitoring of the admissibility of amendments to Parliament texts in first reading;

### **Second reading and conciliation phase**

7. Considers that existing Parliament/Council relations in the later phases of codecision could be further improved by the following measures:

(i) direct presentation by the Council of its common position, mainly to allow it to justify its refusal to accept amendments by Parliament at first reading;

(ii) agreement between the institutions on interpretation of the new Amsterdam deadlines, so that premature conciliation meetings can be avoided;

(iii) better forward planning in scheduling conciliations;

8. Proposes to improve its internal procedures in the later phases of codecision by:

(i) verifying the requisite majority for all Parliament votes in second reading;

(ii) introducing a new obligation on Parliament's conciliation delegation to report back to the plenary in cases of failed conciliation;

### **Accompanying measures**

9. Calls for the following accompanying measures to be taken:

(i) transformation of the annual legislative programme into a more complete document for the work of the committees and the plenary in the interests of better interinstitutional legislative planning;

(ii) intensified contacts between the competent parliamentary committees and the national parliaments and their relevant committees in the context of the legislative and pre-legislative procedure, in accordance with the Protocol on the role of the national parliaments in the EU;

(iii) publication by Parliament, at least in electronic form, of full legislative texts rather than just the amendments, which should be indicated throughout the text;

(iv) reinforcement and better coordination of the existing resources and staff within Parliament that are devoted to translation and legal verification of legislative texts;

(v) application of the new Amsterdam Treaty principles of transparency, with the provision of special public reports on the work of the parliamentary committees during the phases of the codecision procedure;

(vi) long-term rather than 'ad hoc' solutions to ongoing problems of comitology and of the 'amounts considered necessary';

### **Revision of the existing interinstitutional agreement**

10. Calls for revision of the existing interinstitutional agreement of 1993 on the phase preceding the adoption of a common position by the Council and on arrangements for the proceedings of the Conciliation Committee under Article 189b;

11. Believes that the first part of the agreement needs to be replaced by a new agreement on first reading procedures aimed at maximizing the potential of the first reading and covering, in particular, (i) contacts and exchange of information between the institutions during the first reading phase and (ii) the interinstitutional procedures for verifying texts;

12. Considers that any revision of the agreement on conciliation procedures should not only take account of the changes made in the Amsterdam Treaty, but also eliminate out-of-date provisions and take on board developing practice over the years in which codecision has been in force, taking into account the opinions of the legislative committees with the broadest experience in the field;

13. Calls, in particular, for any revision of the agreement to cover the issues of (a) the interpretation and application of the new deadlines for conciliation, (b) the publication of any declarations attached to texts, (c) procedures for the signing of agreed texts, (d) the use of forms of written procedure, (e) the legislative quality of texts, (f) procedures in the event of failure of conciliation, and (g) additional provisions on the role of the Commission;

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14. Instructs its President to forward this resolution to the Commission, the Council and the parliaments and governments of the Member States.

(1) OJ C 329, 6.12.93, p. 141.