

European Parliament Resolution on the executive powers of the Commission (comitology) (13 December 1990)

Caption: European Parliament Resolution of 13 December 1990 on the Commission's powers of implementation (commitology) and the role of the Commission in extra-Community relations.

Source: Official Journal of the European Communities (OJEC). 28.01.1991, n° C 19. [s.l.]. "Resolution on the executive powers of the Commission (comitology) and the role of the Commission in the Community's external relations (13 December 1990)", auteur:European Parliament , p. 273.

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Last updated: 15/09/2016

European Parliament Resolution on the executive powers of the Commission (comitology) and the role of the Commission in the Community's external relations (13 December 1990)

A3-310/90

The European Parliament,

— having regard in particular to Articles 145, 3rd indent, 155, 4th indent, 113, 235, 228, 238 and 205 of the EEC Treaty and to Title III (Article 30) of the Single European Act, and the first declaration annexed thereto,

— having regard to its resolutions of 14 March 1990 on the Intergovernmental Conference in the context of Parliament's strategy for European Union ⁽¹⁾ and of 16 May 1990 on Economic and Monetary Union ⁽²⁾,

— having regard to the Council's decision of 13 July 1987 ⁽³⁾ and the Commission's report to Parliament of 28 September 1989,

— having regard to its resolutions of 11 and 12 July 1990 on the European Parliament's guidelines for a draft constitution for the European Union, the Intergovernmental Conference in the context of Parliament's strategy for European Union, the principle of subsidiarity and the preparation for the meeting with the national parliaments to discuss the future of the Community (the 'Assizes') ⁽⁴⁾,

— having regard to Rule 121 of the Rules of Procedure,

— having regard to the report of the Committee on Institutional Affairs and the opinion of the Committee on External Economic Relations (A3-310/90),

A. whereas the objectives of the European Community are the achievement of both economic and monetary union and European political union, as has been repeatedly stated, particularly at the very moment when European integration is the most fitting response to changes in the international political situation,

B. stressing that these objectives cannot be attained without modifying the institutional structure on which the efficient and rational functioning of the European Community is based,

C. noting that, apart from being efficient, the new institutional system will have to be based on an internal dialectical process, as a guarantee of democracy and the future development of the Community,

D. whereas this also requires a redefinition of the role of the Commission, the Council and Parliament in order to establish a balance between the institutions and to make good the 'democratic deficit',

E. whereas, therefore, the Commission must be made the actual executive body of the Community with clearly defined internal and external spheres of responsibility and whereas its democratic legitimacy must be reinforced through establishing relations of trust in relations with the European Parliament,

1. Notes that the Member States intend to examine seriously the issue of the Commission's powers and that Parliament has already initiated the talks and made specific proposals in this regard in its resolution of 11 July 1990 on the Intergovernmental Conference;

Executive power in general

2. Deplores that, in practice, Council has tended to make use of the most restrictive 'comitology' provisions when it confers executive powers on the Commission and this despite:

— the Declaration of the Member States annexed to the Single European Act in which they requested the

Council to give a predominant place to the advisory committee procedure for matters falling within the field of Article 100a,

— the Commission's proposals which have, in the main, avoided the most restrictive procedures,

— Parliament's position which also seeks to avoid restrictive procedures,

and concludes that only a reform of the Treaties in this matter will guarantee the effectiveness of Community decision-making mechanisms and the democratic principles of separation of powers and control over the executive;

3. Considers, therefore, that the Treaties must expressly stipulate that the Commission shall be the Community's executive body in its own right and not because these powers are delegated to it. It may be assisted in the exercise of these powers by advisory or management committees;

4. Notes that the increase in the Commission's powers in this area makes it necessary for the legislature to have correspondingly greater and more effective powers of control over the executive; recalls, in this context, the agreement reached by the European Parliament and the Commission in the form of an exchange of letters between Presidents Plumb and Delors, providing for all provisions submitted by the Commission to comitology-type committees, other than routine management measures of a limited period of validity and documents whose adoption is complicated by considerations of secrecy or urgency, to be forwarded to Parliament at the same time that they are forwarded to the comitology-type committees in question; notes, however, that this agreement has not been fully implemented by the Commission; notes in particular that only 48 such implementing provisions were forwarded to the Parliament between 1 May 1989 and 15 July 1990 and that two-thirds of these concerned highly technical matters relating to trade nomenclature, but other Commission departments have been far less forthcoming in their transmission of texts to Parliament;

5. Insists that the Commission ensures that its own services are aware of their duties in this respect and forward all relevant documents to Parliament in good time;

6. Instructs its parliamentary committees to be vigilant in applying the procedures agreed between the Commission and Parliament and in particular in applying Rule 53 of Parliament's Rules of Procedure as well as the guidelines approved by the committee chairmen and the enlarged Bureau concerning Parliament's position when considering the comitology provisions included in legislative proposals;

7. Recalls that the guidelines provided that:

(a) In first reading, Parliament should systematically delete any provisions for procedure III(a) or III(b) and replace it by procedure II(a) or (b) or, for proposals concerning the internal market put forward under Article 100a of the EEC Treaty, procedure I. Alternatively, when the subject matter is particularly important or sensitive, Parliament could provide for decisions to be made by the legislative procedure instead,

(b) In second reading, Parliament should continue to oppose any provisions in a common position for procedure III(b) but III(a) could be accepted exceptionally, as a compromise, except for proposals concerning the internal market put forward under Article 100a of the EEC Treaty, where II(b) should be the maximum acceptable compromise,

Comitology provisions pursuant to Article 145 are unacceptable for taking decisions concerning expenditure, as Article 205 EEC specifies that the Commission alone should be responsible for implementing the budget approved by Parliament;

8. Considers that the Commission's responsibilities for ensuring uniform implementation of Community legislation by the Member States should be strengthened and calls upon the Commission to ensure vigilance in this regard, including, where appropriate, taking Member States to the Court of Justice;

9. Considers that the implementation of the budget falls within the Commission's sphere of competence and that, consequently, only an advisory committee may assist the Commission on this matter;

Executive power in the economic and monetary union

10. Considers that, in addition to having general executive powers, the Commission must play an essential role in both economic and social decision-making within the EMU;

11. Bearing in mind that economic and monetary union has not yet been implemented, proposes the following general framework which may be defined in greater detail during the Intergovernmental Conference:

(a) *economic union*: it should be the responsibility of the Council and Parliament, acting on a proposal from the Commission to set the objectives and draw up policy and general principles. The Commission should have the power to monitor the Member States' implementation of Community law and be accountable to Parliament,

(b) *monetary union*: the common monetary policy must be entrusted to a European system of central banks. It must, nevertheless, be consistent with external exchange rate policy on and with a coordinated economic policy ⁽⁵⁾;

International agreements

12. Considers in regard to the procedure for concluding international agreements, that all the existing distinctions should be abolished and that provision should be made for only two types of international agreement: significant and non-significant international agreements;

13. Considers that non-significant international agreements with third countries or international organizations must be negotiated and concluded by the Commission after it has informed the Council and Parliament, which will be entitled to issue general guidelines on the conduct of the negotiations and to request information from the Commission at any stage of the proceedings; this procedure should not be applied, however, where the Council and Parliament contest the definition of an international agreement as 'non-significant';

14. Considers that an international agreement should be considered 'significant' if it involves amendment of Community legislation or has significant financial implications or if it is requested by the Council or Parliament: in such cases the Commission may not conclude the agreement without prior authorization from the Council and Parliament. International agreements which involve revision of the Treaties shall be concluded in accordance with the procedures for revision of the Treaties;

15. Calls for the range of international agreements falling within the Community's sphere of competence to be significantly broadened to include, primarily, international economic and monetary agreements;

16. Considers, finally, that the Treaty should stipulate expressly that the Commission is responsible for implementing international agreements, subject to parliamentary scrutiny;

Common foreign policy

17. Considers that, if the Community in its present and future form is to play the role that befits it in the international political arena, it is essential to formulate a cohesive foreign policy embracing all economic and political relations or cooperative relations with third countries and international organizations;

18. Considers that, despite achieving some success, European political cooperation, as provided for under Title III of the Single Act, does not meet these needs since the formulation of a common foreign policy on Community issues cannot be left to intergovernmental cooperation;

19. Calls, therefore, for the Community's sphere of competence to be extended from now on to embrace a common foreign and security policy by incorporating European Political Cooperation into the Community framework;

20. Points out, however, that the Member States should coordinate their action in areas which do not fall exclusively within the Community's sphere of responsibility;

21. Advocates, therefore, that the revision of the EEC Treaty should aim to establish a single system for a common foreign policy in accordance with Parliament's proposals for treaty modifications adopted on 22 November 1990 ⁽⁶⁾;

Democratic functioning of the institutional system

22. Considers that the legislative power in the Community should be exercised by both the Council and the Parliament equally, in accordance with Parliament's proposal for a co-decision procedure contained in its resolution of 22 November 1990, as defined in its resolution of 11 July 1990 ⁽⁷⁾;

23. Considers, therefore, that it must have the right to elect by absolute majority the President of the Commission on a proposal from the European Council, as an essential condition of that body exercising executive power and as a means of ensuring that the Community's institutional system operates on a democratic basis;

24. Advocates that the President of the Commission, elected by Parliament, should have responsibility for appointing the members of the Commission, in agreement with the Council (and for drawing up the Commission's programme) and that these should be subject to a vote of confidence by Parliament;

25. Stresses the particular importance of complete independence on the part of the Commission as a whole and the obligation of the Member States to respect this principle and not to seek to influence the Commission in the performance of its tasks as laid down by Article 157(2) of the EEC Treaty and reiterates that it considers the defence of this principle to be an integral part of the duties of all Community institutions;

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26. Calls on the Intergovernmental Conference to adopt Parliament's proposals to amend the treaties;

27. Instructs its competent committee to submit further proposals on this subject, should this prove necessary;

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

(1) OJ No C 96, 17.4.1990, p. 114.

(2) OJ No C 149, 18.6.1990, p. 66.

(3) OJ No C 197, 18.7.1987, p. 33.

(4) OJ No C 231, 17.9.1990, pp. 91, 97, 163 and 165.

(5) See Parliament's resolution of 16 May 1990, OJ No C 149, 18.6.1990, p. 66.

(6) Part II, Item 6 of that day's minutes.

(7) OJ No C 231, 17.9.1990, p. 97.