

European Parliament Resolution on the implementing powers of the Commission (17 February 2000)


Caption: European Parliament resolution of 17 February 2000 on the agreement between the European Parliament and the Commission on procedures for implementing Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission.

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European Parliament Resolution of 17 February 2000 on the agreement between the European Parliament and the Commission on procedures for implementing Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission

A5-0021/2000

The European Parliament,

- having regard to Council Decision 1999/468/EC of 28 June 1999 ⁽¹⁾,
- having regard to its opinion of 6 May 1999 on the proposal for a Council Decision laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽²⁾,
- having regard to the agreement concluded with the Commission,
- having regard to Rule 54 of its Rules of Procedure,
- having regard to the report of the Committee on Constitutional Affairs (A5-0021/2000),

A. whereas Article 8 of the Council Decision of 28 June 1999 confers on the European Parliament a power of intervention if it considers that implementing powers will be exceeded and whereas in such cases the Commission is required to re-examine the draft implementing measure, taking account of Parliament's resolution, and whereas the Commission must furthermore provide information on the action it intends to take on the resolution and the reasons for doing so,

B. whereas Article 7(3) of the Decision provides for the European Parliament to be fully informed about agendas, draft implementing measures arising from legislative acts adopted under codecision which have been submitted to committees, the results of voting, provisional summary records of meetings, lists of participants in committees and drafts of implementing measures forwarded to the Council,

C. whereas the new decision on the committee procedure only partly meets the expectations of the European Parliament, but nonetheless constitutes a real step forward in comparison with the previous situation,

D. whereas Parliament and the Commission have decided to agree on the procedures for implementing the Council Decision and whereas this agreement with the Commission particularly concerns the implementation of Article 7(3) on the provision of information to Parliament and Article 8 on its right of intervention,

1. Accepts the agreement annexed to this resolution;
2. Considers that all the 'committees' which existed before the Decision of 28 June 1999 should be modified in accordance with the new procedures and thus endorses Declaration No 2 by the Council and the Commission ⁽³⁾ on the Decision;
3. States that this agreement is without prejudice to its right to adopt any resolution on any subject, notably when it objects to the contents of a draft implementing measure; this agreement is also without prejudice to its right to object to implementing measures referred to the Council following an unsuccessful committee procedure (pursuant to Rule 88 of Parliament's Rules of Procedure);
4. Considers that this agreement between itself and the Commission supersedes the previous agreements (the Plumb/Delors agreement of 1988, the Samland/Williamson agreement of 1996 and the *modus vivendi* of 1994 ⁽⁴⁾) and renders them null and void;

5. Decides that the agreement and this resolution will be published in the Official Journal of the European Communities (L Series) and in the annex to its Rules of Procedure;
6. Instructs its President to forward this resolution and its annex to the Council and Commission.

ANNEX

AGREEMENT BETWEEN THE EUROPEAN PARLIAMENT AND THE COMMISSION ON PROCEDURES FOR IMPLEMENTING COUNCIL DECISION 1999/468/EC OF 28 JUNE 1999 LAYING DOWN THE PROCEDURES FOR THE EXERCISE OF IMPLEMENTING POWERS CONFERRED ON THE COMMISSION

1. Pursuant to Article 7(3) of Decision 1999/468/EC ⁽⁵⁾, the European Parliament is to be informed by the Commission on a regular basis of the proceedings of the committees involved in committee procedures. To that end, it is to receive, at the same time as the members of the committees and on the same terms, the draft agendas for committee meetings, the draft implementing measures submitted to the committees under basic instruments adopted by the procedure provided for by Article 251 of the Treaty, and the results of voting and summary records of the meetings and lists of the authorities to which the persons designated by the Member States to represent them belong.
2. Furthermore, the Commission agrees to forward to the European Parliament, for information, at the request of the parliamentary committee responsible, specific draft measures for implementing basic instruments not adopted under the codecision procedure but which are of particular importance to the European Parliament. Pursuant to the judgment of the Court of First Instance of the European Communities of 19 July 1999 (Case T-188/97, Rothmans v Commission), the European Parliament may request access to minutes of committee meetings.
3. The European Parliament and the Commission consider the following agreements null and void insofar as they themselves are concerned: 1988 Plumb/Delors agreement, 1996 Samland/Williamson agreement and 1994 *modus vivendi* ⁽⁶⁾.
4. Once the appropriate technical arrangements have been made, the documents referred to in Article 7(3) of the Decision will be forwarded electronically. Confidential documents will be processed in accordance with internal administrative procedures drawn up by each institution with a view to providing all the requisite guarantees.
5. Pursuant to Article 8 of the Decision, the European Parliament may indicate, in a resolution setting out the grounds on which it is based, that draft measures for implementing a basic instrument adopted by the procedure provided for by Article 251 of the Treaty exceed the implementing powers provided for in that basic instrument.
6. The European Parliament is to adopt such resolutions in plenary; it is to have a period of one month in which to do so, beginning on the date of receipt of the final draft of the implementing measures in the language versions submitted to the Commission.
7. In urgent cases, and in the case of measures relating to day-to-day administrative matters and/or having a limited period of validity, the time-limit will be shorter. That time-limit may be very short in extremely urgent cases (in particular on public health grounds). The Member of the Commission responsible is to set the appropriate time-limit and state the reason for that time-limit. The European Parliament may then use a procedure whereby application of Article 8, within the relevant time-limit, may be delegated to the parliamentary committee responsible.
8. Following adoption by the European Parliament of a resolution setting out the grounds on which it is based, the Member of the Commission responsible is to inform the European Parliament or, where appropriate, the parliamentary committee responsible, of the action the Commission intends to take thereon.

9. The European Parliament supports the aim and the procedures set out in Declaration No 2 of the Council and the Commission ⁽⁷⁾. That declaration is aimed at simplifying Community implementing arrangements by bringing the committee procedures currently in force into line with those resulting from Council Decision 1999/468/EC.

- (1) OJ L 184, 17.7.1999, p. 23.
- (2) OJ C 279, 1.10.1999, p. 404.
- (3) OJ C 203, 17.7.1999, p. 1.
- (4) OJ C 102, 4.4.1996, p. 1.
- (5) OJ L 184, 17.7.1999, p. 23.
- (6) OJ C 102, 4.4.1996, p. 1.
- (7) OJ C 203, 17.7.1999, p. 1.