

## Modus vivendi concluded between the European Parliament, the Council and the Commission (20 December 1994)

**Caption:** Modus vivendi of 20 December 1994 between the European Parliament, the Council and the Commission concerning the implementing measures for acts adopted in accordance with the procedure laid down in Article 251 (ex Article 189b) of the EC Treaty.

**Source:** Official Journal of the European Communities (OJEC). 04.04.1996, n° C 102. [s.l.]. "Modus vivendi of 20 December 1994 between the European Parliament, the Council and the Commission concerning the implementing measures for acts adopted in accordance with the procedure laid down in Article 189b of the EC Treaty", p. 1.

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**Last updated:** 15/09/2016

## **Modus vivendi of 20 December 1994 between the European Parliament, the Council and the Commission concerning the implementing measures for acts adopted in accordance with the procedure laid down in Article 189b of the EC Treaty**

(96/C 102/01)

*(This text replaces and cancels the text published in OJ No C 293 of 8 November 1995)*

1. These guidelines are intended to overcome the difficulties which have arisen in the adoption of acts in accordance with the procedure laid down in Article 189b of the Treaty for reasons connected with the question of committee procedure.
2. They in no way prejudice the positions of principle expressed by the three institutions.
3. The three institutions note that the question of the implementing measures for acts adopted in accordance with the procedure laid down in Article 189b of the Treaty, when the adoption of such measures is entrusted to the Commission, will be examined in the course of the revision of the Treaties planned for 1996, at the request of the European Parliament, the Commission and several Member States. The Reflection Group will be invited to examine the question.
4. The appropriate committee of the European Parliament shall be sent, at the same time and under the same conditions as the committee referred to in the basic act, any draft general implementing act submitted by the Commission and the timetable for it.

The Commission shall notify the appropriate European Parliament committee if a specific measure needs to be adopted urgently and shall also notify it of any other possible difficulty. The appropriate European Parliament committee shall undertake to use urgent procedure where necessary.

The Commission shall inform the appropriate European Parliament committee when measures adopted or envisaged by the Commission are not in accordance with the opinion delivered by the committee referred to in the basic act or when, in the absence of an opinion, the Commission must submit a proposal to the Council regarding a measure to be taken.

5. The Council shall adopt a draft general implementing act which has been referred to it in accordance with an implementing procedure only after:

— informing the European Parliament, setting a reasonable time limit for obtaining its Opinion, and

— in the event of an unfavourable Opinion, taking due account of the European Parliament's point of view without delay, in order to seek a solution in the appropriate framework.

The act shall in any case be adopted by the deadlines laid down in the specific provisions of the basic act.

6. In the context of this *modus vivendi*, the Commission shall take account as far as possible of any comments by the European Parliament and shall keep it informed at every stage of the procedure of the action which it intends to take on them, so as to enable the Parliament to assume its own responsibilities in full knowledge of the facts.

7. This *modus vivendi* shall apply with effect from the date of its approval by the three institutions.

Done at Brussels on the twentieth day of December in the year one thousand nine hundred and ninety-four.

*For the Council of the European Union*  
Klaus KINKEL

*For the European Parliament*  
Nicole FONTAINE

*For the European Commission*  
Jacques DELORS